

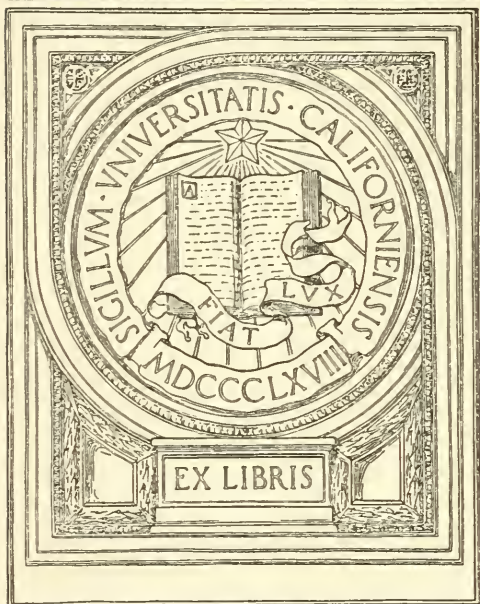
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The Government of the City of  
Frankfort-on-the-Main





# The Government of the City of Frankfort-on-the-Main

*by*

MARTIN HERBERT DODGE, Ph. D.

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## PREFACE

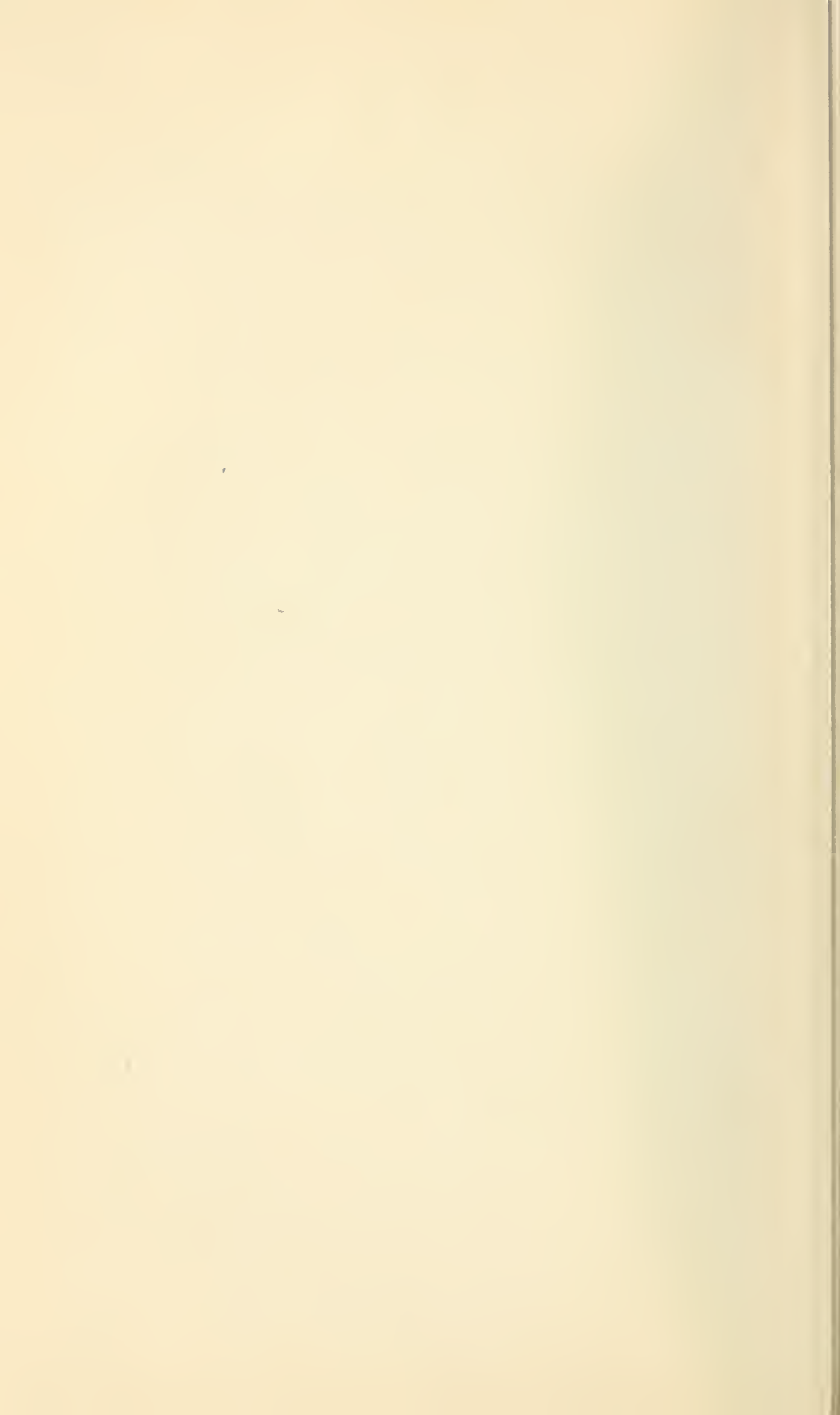
The materials on which this study is based were collected in Frankfort during the years 1912-1914 by Mr. William Shepherdson, under the auspices of the New York Bureau of Municipal Research. The work of investigation was substantially aided by the Richard Watson Gilder Fellowships of Columbia University, one of which was held by the investigator during the above years. The writer also acknowledges aid from a Gilder Fellowship which he was awarded during the period of his work.

The materials consist of compilations of laws and ordinances governing the City of Frankfort and the by-laws and rules of procedure for the various organs of government; written interviews with prominent members of the government in regard to the departments with which they are connected; complete collections for various departments, bureaus and offices of the blanks, forms, record books and other papers used in routine administration; annual and other reports from most of the departments and institutions of the government; and notes taken on the ground by Mr. Shepherdson concerning the relations of officials, conventional practices in the government, and other matters not appearing in the more formal documents. Two articles written for the Frankfort number of the *Reclams Universum*, appearing in December, 1912, were also relied upon in connection with the chapter on the mayor. One of those articles was written by Frankfort's former mayor, Dr. Franz Adickes, the other by a well-known German writer, Rudolph Oeser. The chapter on the legal relations of the city is based almost wholly on a translation of the various Prussian laws defining Frankfort's status in relation to the state. Some of the facts regarding the physical aspects of the city, as noted in the introduction, were taken from the consul-general's report for 1912.

Grateful acknowledgment is made to Mr. Ruediger Bilden and Mr. Richard C. Bondy for generous assistance in the translation of German material; and to Professor Howard Lee McBain and Professor Charles A. Beard for valuable aid and criticism in the arrangement and treatment of the subject.

M. H. D.

New York,  
June, 1920.



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## CHAPTER I

### INTRODUCTION

#### POLITICAL HISTORY

Frankfort-on-the-Main, the famous German city which has grown up where the Franks long ago were accustomed to ford the Main, has become today a municipal corporation widely known and abundantly admired as a leader in the field of civic administration. In attaining this position, however, the city has passed through a varied though always significant history.

The earliest records indicate that the site later occupied by the city was in the first centuries of the Christian era the location of a Roman outpost and fortress. Later, as a part of the empire of Charlemagne, it developed into a small village, occupying two islands near the right bank of the river. A third island was used as the government headquarters for the administration of the city and the surrounding territory. Under the reign of Charlemagne's son, Louis the Pious, Frankfort became the capital of the East Frankish Kingdom. The place was first called "Kastell," or citadel, in the year 994, and "Stadt," or city, in 1180.

In 1152 Frederick Barbarossa was elected Emperor at Frankfort, and the Golden Bull of 1356 declared that from that date forward Frankfort would be the official seat for the imperial elections. Out of the twenty-two emperors elected from then to the close of the Empire all but five were chosen at Frankfort.

The political control, nevertheless, which the Empire exercised over the city for the most of the time was more nominal than real. Aside from the payment of an annual contribution into the imperial treasury, Frankfort enjoyed for centuries the rights of a free city. This freedom was lost, however, in the changes that followed the dissolution of the Empire. In 1806 the city was made a part of the confederation of the Rhine, and in 1810 it became the capital of the Grand Duchy of Frankfort. By the reconstructions of 1815, however, Frankfort was made a free city again and continued as such down to the war of 1866. In this war it took the part of Austria and was defeated. On the 16th of July, 1866, Prussian soldiers entered the city and exacted an indemnity of 6,000,000 Florins. In October, 1866, the city was formally declared to be a part of the Prussian state, and has so remained up to the present time.

## EXPANSION OF THE CITY

The territorial development of the city up to the last half of the nineteenth century was slow and measured. Sachsenhausen, the first "suburb" to be incorporated, was laid out in the time of Charlemagne on the south bank of the Main to serve as "a colony for the heathen Saxon." It seems always to have been closely related to the city but is authentically known to be a part of the city only since 1318. The first extension of the city proper occurred in the twelfth century. At this time a part of the original wall of fortification was moved somewhat to the north. The limits then fixed were changed by the second extension which came during the reign of Louis of Bavaria in the year 1333. At this time the population of the city, numbering about 8,000 inhabitants, had become too great for the confines of the city walls. The extension was undertaken to give protection to the many dwellings constructed upon adjacent territory. The old wall, with its medieval gates and turrets, was allowed to stand, but a new one was constructed including three times the former area. Ever since this date, the territory incorporated by the old wall has been known as the "Altstadt," or old city, and that within the later wall as the "Neustadt," or new city. The town of Sachsenhausen was inclosed by a wall in the year 1390.

The areas thus enclosed proved sufficient for the demands of the city for four centuries; even at the beginning of the nineteenth century there were some sites which had not yet been built upon. Aside from some remodelling and minor changes undertaken in the seventeenth century, the walls of 1333 stood as the boundaries of the city proper down to the year 1804. In this year the city authorities decided that since the walls were no longer efficacious as fortifications, due to the changes of warfare, they should be destroyed. Besides a few historic watch-towers, most of them constructed in the fifteenth century, the walls were razed to the ground and the former ditches and glacis were turned into gardens, promenades and boulevards. Today only three remains of the old fortifications are standing.\*

The pulling down of the city walls gave Frankfort a new aspect and removed a real physical obstacle to its expansion. It resulted, in fact, in the increase of the city's territory from 316 acres to 17,297 acres. This change, however, was not accompanied by a corresponding development along other lines, nor was such to be expected. The period of rapid urban expansion had not yet reached Germany; besides,

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\*The Eschenheimer Tor (1424), the Rententurm (1456), and the Kuhhirtenturm (1490).



the authorities of Frankfort were still more interested in maintaining the historical character of the city as a political, cultural and financial center, than they were in encouraging the growth of industry or other elements leading to a merely physical development.

The rapid increase of the city in population as well as the further expansion of territory did not begin until after its incorporation into the Prussian state. The changes in the personnel of the government and the consequent changes in policy which this event occasioned, the influence of the formation of the German Empire, and the advent of the industrial revolution in Germany, were all factors in accelerating the city's growth. The results appear in the fact that between the years 1867 and 1910, the area of the city increased approximately 100 per cent. and the population by more than 400 per cent.

The present incorporated territory comprises 33,300 acres. In addition to the territory held at the time of annexation, this includes the areas of the outlying districts incorporated as follows:

1866 Territory held at time of annexation...	17,297	acres
1877 Bornheim .....	1,075	"
1891 Sandhofgelande .....	40	"
1895 Bochenheim .....	1,391	"
1900 Niederrad, Oberrad, Sechbach.....	3,400	"
1910 Hedderheim, Ginnheim, Praunheim, Eschersheim, Niederursel, Berkers- heim, Bonames, Hausen, Roedelheim, Echenheim and Preungesheim.....	10,098	"
Total .....	33,300	" *

The growth of the now incorporated towns of Bornheim and Bochenheim has made these communities literally a part of Frankfort. The following communities are still somewhat outlying but are connected with Frankfort by street railways: Niederrad, Oberrad, Sechbach, Bonames, Echenheim, Eschersheim, Hedderheim, Niederursel, Preungesheim and Roedelheim.

The following figures indicate the use made of all incorporated territory of the city:

\*Compare Frankfort's area with that of the following American cities of approximately the same population:

	<i>Area</i>
Baltimore .....	19,303 acres
Cleveland .....	22,180 acres
Pittsburgh .....	18,170 acres

Improved property (buildings, including gardens and courts attached to the same) ..	3,863 acres
Streets and roads .....	2,073 "
Railroads (not including stations) .....	523 "
Public parks (twenty-five in number) .....	295 "
Cemeteries .....	137 "
Municipal forests .....	8,479 "
River Main .....	370 "
Other water .....	156 "
Unimproved lands, including those used for farming .....	17,399 "
Total .....	33,300 acres

According to the general census of 1910, the population of Frankfort at that time was 414,598 inhabitants.\* The increase in population since 1333 has been as follows:

1333 (about) .....	8,000 inhabitants
1387 " .....	9,000 "
1811 " .....	40,000 "
1832 " .....	52,000 "
1871 " .....	91,040 "
1880 " .....	136,831 "
1890 " .....	180,020 "
1900 " .....	288,989 "
1905 " .....	334,978 "
1910 " .....	414,598 "
1912 (estimated) .....	423,600 "

The inhabitants, according to the statistics for 1905, were divided on the basis of religious belief in the following manner:

Protestants .....	202,502
Catholics .....	105,814
Other Christians .....	2,936
Jews .....	23,476
Other religious beliefs .....	250
Total .....	334,978

There were in 1905 about 12,000 inhabited buildings in Frankfort, and 73,500 households. This makes an average of 17.6 inhabitants per dwelling, and 4.5 persons per household.

\*The estimated population in January, 1912, was 423,600.

## CHAPTER II

## RELATIONS WITH THE STATE

## GENERAL LEGAL STATUS

The municipality of Frankfort-on-the-Main is situated twenty-four miles above the Rhine in the government district (*Regierungs-Bezirk*) of Wiesbaden, in the Province of Hessen-Naussau, Kingdom of Prussia. The seat of the *Regierung*, or government of the district, is in the City of Wiesbaden, about 15 miles west of Frankfort, and the capital of the Province of Hessen-Naussau is Cassel, located some ninety miles to the north in the government district of Cassel.

Following the capture of the city by the Prussians in 1866, Frankfort has been under Prussian rule and subject to Prussian municipal laws. Stein's famous ordinance of November 19, 1808, and the general municipal ordinances of 1831, 1850, and 1853, were in turn made to apply in some of their aspects to the new territory. But in 1867 the central government adopted for Frankfort a special charter defining citizenship and the rights of citizens and outlining a more or less complete system of government. This charter is known as the "Constitutional Law of March 25, 1867," and is the main legal source of Frankfort's power as a municipal corporation.\*

In some respects the charter repeats and emphasizes the provisions of former laws, but in others it supersedes these laws and provides for some significant changes. It recognizes the representative principle in the election of the council, which was incorporated in Stein's ordinance of 1808. It likewise states that councilmen shall not be dependent for their votes on the opinions of their constituents; that service in the government is obligatory for those elected; and that it is the function of the council to "control" the administration,—although it follows the developments of 1831 and 1853 in qualifying the nature of this control. The charter also recognizes the Prussian theory that "all local government is a devolution of state function and authority." On the other hand, it does not follow the provisions of 1853 in abolishing secret voting and establishing the so-called "three class" system of voting; and it leaves the way open for the transference to the city officials of important school, police and other functions, which are retained in many instances by the state. Although it perhaps may not

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\*The charter is printed in full in the appendix.

be said that Frankfort enjoys a larger freedom than other Prussian cities, her position is at least somewhat unique.

The local autonomy of German cities is a subject about which a great deal has been written and it is generally understood that this autonomy consists not in the freedom from being supervised nor indeed limited in special instances by statutory provision, but rather in the freedom from being restricted to a given field of activity beyond which they must not venture. In this respect Frankfort is not unlike other German cities. The charter of 1867 and the general municipal ordinances do not set definite boundaries to the city's activity; they only provide that the city must not legislate contrary to the existing laws and that its action must have the sanction of the superior authorities.

### STATE AUTHORITIES

At the head of the "superior authorities" who form the connecting link between the municipality and the Prussian state stands the minister of the interior.\* His function is the supervision of all local government and his office corresponds in many respects to that of the local government board of England. There is this important difference, however, that the Prussian minister of the interior does not, except in unusual cases, operate directly upon the units of local government, but through the complicated net work of administrative machinery, which is in part constructed especially for the purpose. This administrative machinery includes the so-called "intermediate authorities" of the state with whom Frankfort as a unit of Prussian local government must deal.

These are, first of all, the provincial authorities, or for Frankfort, the authorities of the Province of Hessen-Nassau.† These consist of:

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\*Likewise the ministers of finance, public works, commerce, agriculture, ecclesiastical, educational and medicinal affairs, stand in some respects at the head of the organization, but their acts in each case must be countersigned by the minister of the interior.

†Law of June 8, 1885.—Hessen-Nassau has a somewhat different organization from that of the other Prussian provinces. The two parts, Hessen and Nassau, were originally portions of separate principalities. On their combination in 1869 into a single province they retained something of their individuality. As a consequence the "government districts" of Wiesbaden and Cassell which have been formed respectively from them perform many of the functions ordinarily fulfilled by the province government. This accounts for the fact that the provincial diet of Hessen-Nassau is only a joint body of district diets instead of a specially elected assembly, as are the diets of the other provinces. It also eliminates the necessity of having the customary "provincial committee" of from 7 to 13 members to act as an executive organ for the diet. The duties usually performed by this committee are in Hessen-Nassau divided between the land director and the diet itself.

(1) the over-president, chosen on the nomination of the ministry of state by the king; (2) the provincial council, composed of the over-president, as chairman, one member appointed by the minister of the interior, and five members chosen by the provincial diet from those qualified to membership in the diet; (3) the provincial diet, or assembly, a joint body, composed of the diets of the two districts of which Hessen-Nassau is constituted; and (4) the land director, an expert administrative official elected by the diet to act as its business manager for current affairs. The over-president and the provincial council stand more as the representatives of the state and are more strictly concerned with administrative problems than the other provincial authorities. They consequently come into more immediate contact with the city.

The other branch of superior authorities above the city is that of the government district of Wiesbaden. From the standpoint of the city the district authorities are very important. They stand immediately above the city in its relations with the state and are in constant communication with the city officials.\*

They consist of (1) the government president; (2) the "government"; (3) the district committee; (4) the communal diet; (5) the land committee; and (6) the land director. The "government" at the head of which stands the government president, consists of a small board of state officials appointed by the king. Among them must be at least one qualified for the office of judge. Matters lying within the jurisdiction of the government include primary education, forests and domains, and the administration of state taxes within the district. The government president is the most important member of the government and has power to annul or appeal to the higher authorities any resolutions passed contrary to his wishes. With the consent of the district committee he issues certain police regulations and in urgent cases may make decisions alone in matters within the government's jurisdiction.

The district committee consists of the government president as chairman and six other members. Two of these are appointed for life by the king. The other four are elected by the provincial committee for six-year terms. Of the two appointed members one must be qualified for the higher administrative service, and the other for the office of judge. One of these receives the title of "administrative court di-

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\*The government district in Prussia is a unit of government without corporate powers, created especially to act as the local administrative agent of the state. Usually, it is organized solely for state purposes, but because of the special character of Hessen-Nassau, the districts of this province have an organization for local government as well, so that the whole resembles closely the structure of the ordinary province.



rector" and becomes the government president's representative in the district administrative court proceedings. One of the functions of the district committee is to act as an administrative court of first instance. Other functions are the supervision of local government employees, reviewing and passing upon the government president's police ordinances and considering matters which are referred to it from time to time by the government president.

The communal diet is a legislative body, elected indirectly from the various circles (*Kreise*) and cities of the district. In the rural communities they are elected by the circle diets. In Frankfort they are elected by the council and the magistrat in joint assembly. One member is elected for each 20,000 inhabitants. Candidates for election must be thirty years of age, possess their citizen's rights, be resident in the district for at least a year previous to the election, and possess some real estate. The right to be elected is suspended during bankruptcy or a judicial investigation involving the candidate. The tenure of office of the members is six years, and sessions of the diet are called by the over-president at least once in three years. These sessions are usually public, but may be made secret by the vote of the diet. They are always attended by a special agent of the king whose sanction they must secure for all legislation. A majority of the members constitutes a quorum, and a majority vote is necessary for valid action.

The land committee, consisting of from 7 to 13 members, and the land director are both elected by the diet for six-year terms. They serve as executive organs of the diet in matters of local administration.

The permanent authorities in the City of Frankfort who represent the state or perform functions for the state are the president of police or police commissioner, the mayor, and the city committee. The police commissioner, appointed by the king on the recommendation of the minister of the interior, exercises supervision over the regular police patrol service of the city. The mayor is appointed by the king from three nominees submitted by the city council. The following quotation from the charter\* indicates somewhat the relation in which the mayor stands to the state:

"It is the duty of the mayor to take charge of such parts of the police administration as the government may transfer and assign to him, and in addition, all those local affairs of the circle, district, province and state administration

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\*Section 69, Constitutional Law. See Appendix.

for which no separate deputations are prescribed. Some of these branches he may assign to another member of the magistrat."

In his capacity as an agent of the state, the mayor is responsible entirely to the state and not to the city.

The city committee is composed of the mayor as chairman and four members elected by and from the magistrat. In addition, there are two more members elected from the magistrat as alternates. One member of the committee must be qualified for the office of judge. A quorum of the committee consists of three members and the chairman, and a majority vote is necessary for valid procedure. The city committee acts as an administrative court of first instance, as well as a clearing house for general state affairs in the city.

The exact legal status and interrelations of the various state agencies referred to above are matters of extreme complexity and need not be considered as a whole in this connection. Suffice it to say that the three groups of authorities—provincial, district, and city—operate in successive and more or less distinct spheres of activity; but that on the other hand each of the lower ones is subject to supervision by the higher, and that all operate under the general supervision of the minister of the interior.

The position of the city in its relations with the higher authorities may be considered from three standpoints: functions of the state which are delegated to the city or the expenses of which the city defrays, wholly or in part; activities for which the city must secure the sanction of the state; and the procedure of the city and state authorities in matters of protests or appeals against official action.

#### STATE FUNCTIONS PERFORMED BY THE CITY

Among the matters which fall within the first group, police activities are the most conspicuous. As is well known, police affairs in Prussia are held to be particularly affairs of the state government.\* The main laws governing police administration as it concerns Frankfort are those of March 11, 1850, September 20, 1867, July 30, 1883 and June 3, 1908. According to these laws, the regular police patrol ser-

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\*Section 116 of the ordinance of November 19, 1908, states in regard to police administration that "the state reserves the power to establish its own police directions in the cities, or to transfer the exercise of police functions to the magistrat, which will then exercise the same in commission. In this capacity the magistrat shall be recognized as a state authority."

vice is carried on under the direct supervision of the state commissioner who is quite independent of local authorities. The state meets the overhead administrative costs, but the city pays one-third of all other costs.

Following Section No. 69 of the charter and the provisions of the law of September 20, 1867, the over-president issued an order on September 24 of the same year transferring to the city the supervision of the field, building, and fire police. Similarly, the minister of the interior issued a decree in 1879 transferring the market police to the city and in 1887 the government president did the same for the harbor police. All of the above services with the exception of the fire police, perform inspection duties as distinguished from the ordinary patrol service.\* The so-called "fire police" are the officials of the regular fire department.

The appointment of police officials to these various branches rests with the city but every appointment must be confirmed by the "government" before it becomes valid. The expenses of administration are in each case met entirely by the city. The officials in charge of these services have the right, with the consent of the magistrat, to issue local police regulations and impose fines up to three thaler (about \$1.75) for their enforcement. Such regulations, however, constitute by no means the total of those relating to any particular service. The state ministers of public works and of trade and commerce can issue police regulations within their fields and impose fines up to \$25 for their enforcement. The over-president with the consent of the provincial council can do the same with fines up to \$15; the government president with the consent of the district committee, the police commissioner, and the magistrat, with fines up to \$7.50.† As a matter of fact all of these authorities do issue regulations and frequently for the same service. The combined regulations for the building police service constituted in 1912, for instance, a book of 118 pages, including 20 different sets of regulations, issued by seven separate authorities. Three were issued by the magistrat; four by the building police officials with the consent of the magistrat; two by the commissioner of police; four by the government president; two by the over-president; one jointly by the ministers of interior and of public works, and three jointly by the ministers of interior, of public works, and of commerce and industry. Similar instances might be cited for the other police services. The rules issued by these various authorities, although governing the same service, apply

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\*The field police are concerned with the care and use of fields and forests belonging to the city and the general extermination of weeds and insects.

†Law of July 30, 1883.



to its different aspects and consequently rarely overlap. In case of a conflict involving regulations issued by the local authorities or if for any other reason such regulations are unsatisfactory to the higher authorities, they may be annulled by the government president, or by the minister of the interior. In case of complaints the matter goes to the administrative courts and follows the special administrative procedure.

The administration of schools is the second state function of importance which is supported and administered in large part by the city.\* In Frankfort there are nearly 150 schools of all kinds administered by the city. These schools have an annual gross expenditure of about two and a half million dollars. Of this amount the state contributes only about \$25,000, most of which is expended for technical education.† The state itself maintains but one school, the Kaiser Friedrich Gymnasium, but even for this school the city gave the site and contributed largely to the cost of building. Thus it appears that with the financial problems of school administration the state has little concern.

To say, however, that the central government has small influence on the general school administration would be an error. The state prescribes the text books to be used; it sets the requirements for entrance into the schools and for promotion and graduation; it lays down rules for the use of school buildings, it requires comprehensive annual reports from the local school authorities,‡ and it maintains through a large corps of inspectors a careful scrutiny of all school administration. The authorities who exercise these powers are the "government," through its division on schools and churches, the communal diet, in connection with the problems of primary education, the provincial school board, a branch of the state officials who are attached to the over-president, and the department of ecclesiastical, educational and medicinal affairs of the central government.

A third function which the city performs for the state is the quartering of soldiers who happen to be stationed from time to time within

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\*In 1914 the over-administrative court handed down a decision in which it said: "The administration of internal school affairs is the business of the state. It may naturally delegate its powers to others, such as school deputations, but when the state itself acts, it alone exercises authority."

†For the administration of the *Machinenbauschule* and the *Gewerkbauschule*, the costs are divided equally between the city and the state.

‡The local authorities who are in charge of school administration and render these reports are the school deputation for the elementary schools, and the school board of trustees (*Schul-Kuratorium*) for the higher schools.

the municipality, and the support of soldiers' families. For this purpose the city has established a military commission (*Militar-Kommission*) for the management of details. This commission is composed of two members of the magistrat, three councilmen, and three private citizens. In peace times the number of soldiers accommodated does not rise above ten or twelve thousand a year and the families supported aggregate about one-tenth that number. In each case the city is reimbursed approximately to the amount of its expenses.

Another institution which the city administers for the state is the department of vital statistics (*Standesamt*). This department has eighteen separate offices located in various parts of the city. Their functions consist in the issuing of certificates and the keeping of records of births, engagements, marriages, divorces, and deaths and the performance of marriage ceremonies. The expenses of administration which amount to about \$25,000 a year are met entirely by the city. Fees and fines collected cover about 15 per cent. of this sum. The work is carried on in accordance with state and imperial laws. The department is under the general supervision of the over-president and the immediate supervision of a member of the magistrat designated by the mayor for this purpose. These two authorities in cooperation with the magistrat lay down the by-laws governing the various offices. The employees in these offices are hired according to the regular civil service regulations of the municipality and are responsible to the city for the execution of their work.

Other institutions of the city which administer state interests are the industrial and merchants courts, the employment bureau, and the insurance department. The state's participation in these affairs in reality consists of little more than the laying down of some general laws and the receiving of reports from the city authorities under whose supervision they are carried on. The total expenditures of these three institutions aggregate about \$40,000 per year. Of this amount the state contributes only three or four hundred dollars, all of which is devoted to insurance purposes.

The city committee, which is organized for the handling of general state affairs, expends about \$8,000 per year.

The total amount of taxes which the city turns over to the state authorities each year for general purposes varies from \$250,000 to \$500,000. The total annual expenditure for state purposes varies from \$500,000 to \$800,000, and represents approximately from one-half to one per cent. of the total expenditure for all purposes.

ACTIVITIES OF THE CITY REQUIRING THE SANCTION  
OF THE STATE

In regard to the second aspect of the relation of the city to the state, the charter of 1867 grants to the city council and magistrat the powers of legislation over affairs which the state law does not withhold or has not expressly covered, these powers to be exercised with the consent of the "government."\* The law of August 1, 1883, substitutes in place of the "government" the "district committee."

For a great deal of the legislation of the city this sanction of the district committee is only a formality. The provision, however, leaves the way open for direct interference when occasion arises; and for certain matters which are designated by law, it always involves a close scrutiny of the city's policy and it may result in the vetoing of important plans. Such matters are the following:

- 1—The sale or transfer of real estate and the incorporation of suburbs
- 2—The change in the use of territory, such as forests, meadows and other lands
- 3—Any important change involving matters which have a special scientific, historical or artistic value
- 4—The increase of taxes above the amount allowed by the state laws†
- 5—The incurring of loans or assuming of any liabilities which increase the debt of the city
- 6—The adoption of the annual municipal budget
- 7—The election of the mayor and assistant mayor, and the appointment of police officials for the market, building, harbor, field, and fire police services
- 8—The fixing of the salaries paid to the mayor and the paid members of the magistrat
- 9—The alteration of the pension system for city employees and officials

Even for these affairs, however, the sanction of the district committee is usually forthcoming and the city's plans are adopted without change. This results from the fact that the city is very careful in the preparation of its proposals to avoid legal conflicts; from the

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\*Section 3, Constitutional Law. See Appendix.

†The imposition of new taxes must be confirmed by the ministers of finance and interior (Law of August 1, 1883).

presence and influence of the mayor who is at once the representative of the city and the state; and from the knowledge which the city has secured in previous relations with the district committee of the attitude which this body is likely to assume. Nevertheless, in some cases a conflict occurs. The city then has the choice of accepting the district committee's decision or appealing the matter to the higher authorities. In most cases this involves an appeal to the over-administrative court. The exceptions to this procedure and the general procedure to be followed in case of an appeal, involve the regular administrative court procedure which is discussed in the following section.

#### PROCEDURE IN CASE OF APPEALS AGAINST OFFICIAL ACTION\*

There are three ways in which the city may come into contact with the state authorities in the matter of appeals against official action. These are as follows: (1) when any citizens or associations of the city wish to protest against the operation of a city ordinance; (2) when a deadlock occurs between the council and the magistrat, the council and the mayor, the magistrat and the mayor, or between any other organs of the city government, in such a way that it cannot be settled satisfactorily by the city itself; (3) when the city wishes to contest the decision of the district committee, or the "government," in a matter relating to city affairs.

For each of these cases, with the exception of some special instances which will be noted later, there are three separate means of procedure which may be followed. The first one is an informal administrative procedure adopted for less important cases. It consists in the filing with the proper authority of an informal complaint stating briefly the reasons for protest. In the case of citizens objecting to the city's action the complaint is filed with the mayor. In the other cases it is filed with the government president and the over-president, respectively. The official receiving the complaint disposes of it without formality after perhaps a brief investigation. If the complainant is not satisfied he may appeal the matter in the same way that he originally filed the complaint. Appeal goes from the mayor to the government president, who generally consults with the "government" and thence to the over-president. In exceptional cases it may go to the minister of the interior.

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\*The Prussian laws organizing and defining the jurisdiction and procedure of the administrative tribunals are those of July 30 and August 1, 1883.

The second form of procedure may be called "resolution procedure." It differs from the first in being more formal and more generally concerned with important questions and involving consideration by boards or bodies, rather than by single administrative officials. It is instituted by the filing of a complaint known as a *Beschwerde*. This complaint in the case of citizens' protests, as referred to above, is filed with the city committee; in the case of deadlocks between different organs of the city government, it is filed with the district committee; and in the case of the city's protest against the action of the district authorities, it is filed with the provincial council.

In clear cases, or if the matter is urgent, the chairman of the appropriate body may make a decision on the basis of facts presented in the complaint without consulting his colleagues. Such a decision, however, is subject to appeal to the whole board or to the next higher authority. The proceedings in no case need to be formal or even involve hearings of the parties, but this may occur if the board so decides. As a rule decisions are reached from a consideration of the written material presented.

Appeal in resolution proceedings goes from the city committee through the district committee and the provincial council to the minister of the interior. The original complaint and appeal in each instance may be made not later than two weeks after the action occurs against which protest is to be made. No charges are made by the government for the proceedings but all other costs, such as attorneys' fees, must be met individually by the parties to the contest.

The third form of procedure is that of the regular administrative courts. Administrative court procedure is strictly formal and is further distinguished from the other two forms in that it is generally concerned with matters involving claims, liabilities or property interests. The city committee and the district committee are courts of first instance for administrative trials. The court of final instance is the over-administrative court, which is located in Berlin.\* Appeal from the city committee lies through the district committee whose decision is final as to facts; and thence, only on points of law and procedure, however, to the over-administrative court. Proceedings are instituted by the filing of a formal complaint, in this case known as *Klage*.† Before the suit is admitted this must be followed by another docu-

\*The over-administrative court is composed of nine separate divisions, or "senates," each with a chairman and several justices. These officials are appointed by the crown for life.

†The law provides that some matters must be referred to the administrative courts, whatever the nature of the original complaint.



ment known as the *Verhandlung*. The *Verhandlung* contains, in addition to such legal material as is generally supplied in a lawyer's brief, a full statement of the facts involved in the case. After considering this the chairman may at once dismiss the case or accept it for trial, as the facts warrant. If the case is accepted, trial may occur at the end of two weeks.

Meanwhile the parties to the suit must supply the court with written arguments. Decision sometimes follows from a consideration of these arguments alone, but if the law requires or either party to the suit requests, or the chairman of the court decides, a public trial with oral arguments must take place. If no request for a public trial is made, then the decision of the court is final. Otherwise, appeals may be made in the manner stated above. If the chairman of the court thinks necessary for the interests of the public, he may appeal a case in the same manner as a party to the suit.

In case of conflict between the city and district committees on the point of jurisdiction, the over-administrative court decides.

The costs of the trial, attorneys' fees, and all expenses of the winning party, are born by the losing party.

Aside from the general methods of procedure as outlined above, the law makes some special provisions which particularly concern cities. In matters of eminent domain, appeal from the district committee lies to the minister of public works. In matters of the registration of residents, decision is first made by the government president. Appeal may go to the over-president and then to the minister of the interior. In complaint against the imposition of fines on magistrat members by the government president appeal lies to the over-president and thence to the over-administrative court. Complaints against punishments imposed by the mayor go to the government president and thence to the over-administrative court. In questions relating to the distribution of burdens for the quartering of soldiers, the decision of the district committee is final.

## CONCLUSION

In conclusion, two facts concerning the legal relations of the city are at once obvious. First, there are an endless number of matters concerning which the city and state come into contact; and secondly, the relations underlying this contact and the procedure which may ensue therefrom are extremely complex. The confusion which might easily result from these conditions is anticipated in large part through

the vigilance of the district authorities and many conflicts are thus stopped at their inception. The situation, however, is at best intricate; and the constant supervision of the state officials is not without its unsatisfactory aspects to a city that has enjoyed as many years of freedom as has Frankfort.

The city, on the other hand, is not troubled as are many English cities by an uncertain knowledge of its powers; nor is it embarrassed as are some American cities by an indefinite notion of its responsibility to the state. It exercises what powers are not denied it and operates in those fields from which it is not excluded. But it carries on its activities always with the realization that what freedom it enjoys is at the sufferance of the state and that any action may be annulled or all power taken away at the will of the state.





## CHAPTER III

## THE CITY COUNCIL

## COMPOSITION

The city council is the legislative arm of the city government. It is composed of seventy-one members,\* chosen for a term of six years, one-third of the members retiring every second year. These seventy-one members represent twenty-one separate election districts, each of which sends from one to seven members.† “The magistrat fixes the number and the boundaries of the election districts, and also the number of councilmen to be elected from each district.”‡ The distribution is based on the number of eligible voters in a district, the average quota per member approximating seven hundred.

Each district has a name and a number, and the representation and total number of voters per district according to the ordinance of August 30, 1910 and the 1910 voters' lists are as follows:

Number of District	Name of District	Number of Representatives	Number of Voters
I.	Altstadt .....	5	3,527
II.	Innenstadt .....	4	2,916
III.	Bahnhofsviertel .....	3	2,375
IV.	Industrieviertel .....	4	3,065
V.	Westend u. Nordosten.....	5	3,817
VI.	Nordend .....	7	5,067
VII.	Nordesten .....	7	5,067
VIII.	Ostend .....	4	3,221
IX.	Bornheim .....	4	3,443
X.	Westlich Sachsenhausen .....	5	4,128
XI.	Ostliches Sachsenhausen .....	4	3,264
XII.	Bochenheim .....	7	5,869
XIII.	Niederrad .....	2	1,442
XIV.	Oberrad .....	2	1,271
XV.	Sechbach .....	1	594
XVI.	Rodelheim .....	2	1,542
XVII.	Praunheim u. Hausen.....	1	566
XVIII.	Heddernheim .....	1	895
XIX.	Eschersheim u. Ginnheim.....	1	1,135
XX.	Eckenheim u. Preungesheim.....	1	883
XXI.	Niederursul, Bonames and Verkersheim	1	422
		71	55,049

\*Magistrat's Statute, April 29, 1900.

†Magistrat's Order, August 30, 1910.

‡Section 25, Constitutional Law. See Appendix. The city was re-districted in 1892, and again in 1904.

## ELECTORS

The requirements for electors as well as for candidates, and the procedure for elections, are laid down in considerable detail in the city charter. Electors must be Prussian subjects, twenty-four years of age, and have at least a year's residence in Frankfort, during which time they have paid such city taxes as they owe and have received no assistance from public charities. In addition, they must possess one of the following property qualifications: ownership of a dwelling within the city limits; or proprietorship of a trade with at least two assistants; or receipt of an income of 1200 marks. The income or the possession of a house by the wife is accredited to the husband. The same is true in the case of minors if the father is guardian. With the consent of the council, the magistrat may if it sees fit dispense with the one year residence requirement. It will be noted that the three class system prevalent in other Prussian municipal elections does not apply to Frankfort.

The number of residents in 1910 meeting the above requirements and, therefore, enrolled as voters for city elections, was 55,049, out of a total population of 414,576. In other words the existing qualifications limit the franchise to about 13.2 per cent. of the population.

## CANDIDATES

Any elector may be a candidate for the city council unless he belongs to one of the following classes:

- 1—Officials and members of a board representing the state who exercise jurisdiction over the city
- 2—Magistrat members and all paid city officials
- 3—Clergymen, church servants and elementary teachers
- 4—Judicial officials, except members of the Merchants' and Industrial Courts
- 5—Officials of the prosecuting attorney's office
- 6—Police officials

In addition, father and son, or brothers, may not be members of the council at the same time. If such relatives are elected at the same time, only the older one will be admitted.

A man may be a candidate in several districts at the same time, but if chosen from more than one he must give notice at once from which district he accepts the election.

One-half of all councilmen must be houseowners. The charter emphasizes this regulation and states that the magistrat must "insist

at all times that it be complied with. In case the number of house-owners to be elected is not divisible by the number of election districts, the distribution will be made over the separate election districts by lot. With this limitation, the out-going councilmen may be re-elected indefinitely.”\*

### ELECTION PROCEDURE

Elections occur every second year in November. Between the first and fifteenth of September of each year the magistrat prepares a list of all municipal voters according to election districts,† and on the first of October posts this list in frequented places about the city. This list remains posted for public inspection until the fifteenth of October. During this time every person having legal residence within the state may challenge any name listed, and enter a protest to the magistrat. This protest is turned over to the city council, which is given until October 31 to decide all contests. If the magistrat agrees to the council’s decision the matter is settled.‡ Otherwise it goes to the higher authorities, who must return their decision before the date of the election.§

Fourteen days before the date of the election the magistrat sends to each voter a notice stating the exact location of his polling place, the day of the election and the hours during which he may cast his ballot. The ballots are furnished by the government,¶ and are very simple. They contain nothing but the names of the candidates, their professions or business, and the office which they seek. The voting is not *viva voce* as in other Prussian cities but is secret, the ballots being placed in the ballot box by the voter without his signature. Voters are identified, however, by the notices from the magistrat which they must present, and are registered by the committee in charge.

This committee consists of three members, the chairman appointed by the mayor, and two assistants elected by the city council. This committee counts the ballots, lists and signs the returns, and immediately makes public the result of the election in its particular district. The “double election” procedure is employed in determining winners.

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\*Section 28, Constitutional Law. See Appendix.

†The cost of preparing this list in 1910 was \$137.41, or about one-quarter of a cent per qualified voter.

‡Magistrat’s Order, June 11, 1907.

§See *supra*, page 22 for procedure on appeals.

¶The election officials are not paid and polling places are secured gratis. The cost of electing 22 councilmen in 1910 was \$2,091.10 or \$95.05 per councilman.

That is, only those are considered elected who receive an absolute majority of all votes cast. If there are not enough of these to make up the whole number to be elected in the district, then a second election is scheduled. The candidates for this election are designated by the committee from three persons who, next to the elected ones, received the largest number of votes in the first election. In case of a tie the matter is decided by lot.

New members are inaugurated by the magistrat at the first meeting in January following the election. The procedure is by handshaking rather than the taking of an oath.\*

### ORGANIZATION

The organization of the council consists of a presiding bureau or executive committee, and several standing committees.† The executive committee is composed of the following members:

- 1—President (*Vorsitzender*)
- 2—Vice-President (*Zweiter Vorsitzender*)
- 3—Secretary (*Schriftführer*)
- 4—Vice-secretary (*Zweiter Schriftführer*)

These officers, as well as all members of the standing committees, are elected by the council at large and hold office for one year. They are elected in the following somewhat indirect manner. After the November elections which occur every other year the committee in the council known as the *Wahlvorschlags-Ausschuss*, or committee on nominations, announces that it will receive suggestions and recommendations from the various members in regard to officers and committee membership for the following year. From these suggestions and its own knowledge of the council's personnel it makes up a list of recommendations for all positions to be filled.

The committee on nominations, itself, is of course chosen from the old council and need not take into consideration the new elements which may be introduced by the recent elections. As a matter of fact, however, it does listen to the claims of all political parties and seriously attempts to strike a balance among them in such a way as to secure a fair representation on all committees. This means that it receives and considers suggestions for changes in its own personnel, if the political parties so demand. The committee on nominations thus

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\*Constitutional Law. See Appendix.

†See list, *infra.*, page 31.

stands as arbitrator between all the factions, and the list that it finally draws up represents a blending of its judgment with the demands of every party. This list is completed and out into the hands of the members at least three days before the meeting at which elections are to take place.

At this meeting the list is read by the president and proposed for adoption. In most instances the committee has been able diplomatically to satisfy the various political parties and the nominations are adopted without protest. Sometimes, however, agreement cannot be reached and when the list is proposed in the council meeting it precipitates a stormy session and is the occasion for party conflicts and personal attacks. Decision is finally reached by a vote on the disputed members by the entire council. Such a procedure is as a rule unnecessary.

The following is a list of the council's standing committees, with the number of members in each for the year 1912:

Finance .....	10
Underground construction .....	10
Schools .....	11
Nominations .....	9
Above-ground construction .....	9
Auditing .....	5
Foundations .....	9
Organization .....	11
Social welfare .....	11
Law .....	6
Petitions .....	7
Election of magistrat members .....	11

The officers of the council, or executive committee, elected in the same manner, hold their places usually year after year. They are selected with care in the first place and can be displaced only by the strongest party opposition. They are chosen because of their superior knowledge of city government and their acquaintance with the officials and the machinery of the central government, because of their familiarity with societies of a political and social nature, and because of their diplomatic ability to conduct a meeting of the city council with dispatch and to maintain harmony among the members.

Just as the nomination committee chooses the executive and standing committees of the council, it also selects the members from the council to take places on the various deputations and commissions of the magistrat. After the council has approved of the choice of such



members it forwards the names to the magistrat, which in turn passes upon them and itself notifies the individual members of the council of their choice. This practice is adhered to because of the practical monopoly of administrative machinery which rests with the magistrat.\*

### MEETINGS

The city charter does not state definitely how frequently the council shall meet, but in practice it meets about once a week† and oftener if business requires. During the months of February and March, when it is considering the annual budget, it meets two or three times a week.

Meetings are called by the president whenever he considers them necessary; they must be called upon the request of one-fourth of the members, or of the magistrat.‡ Members are notified by cards mailed to them, and as the meetings are usually public§ the proposals to be discussed are printed in the local papers. Except in urgent cases the notices are issued at least two working days before the meeting.

The council always invites the magistrat to the sessions and can, in fact, demand that representatives of the magistrat be present. On the other hand, the magistrat can demand a hearing before the council whenever it chooses. The magistrat members are allowed to speak, may be interpolated but cannot vote in the council.

### PROCEDURE

The business procedure of the council is not definitely prescribed in the city charter, but some important points are fixed. A majority of all members constitutes a quorum which is necessary for valid proceedings, except in cases of a second consideration of the same subject. Any action taken under such circumstances, however, must be especially announced at the following meeting. A majority vote is necessary for decision, but this refers to a majority of those voting and not of those present. In case of a tie, the president casts the deciding vote.

The charter further provides that the president who "presides over, opens and adjourns the meetings" shall with three other mem-

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\*Chapter 4.

†During each of the years, 1909 and 1910, the council met 46 times, in 1911 it met 47 times.

‡By-laws of the city council No. 3.

§Meetings can be closed to the public by resolution of council.

bers sign the record of the members present and all resolutions passed by the council. The president also may expel from a meeting any auditors "who give open signs of approval or disapproval or who are in any way disorderly."\* "In matters pertaining to the rights and obligations of the city no members whose personal interests conflict with those of the city shall be permitted to take part in the discussion." If a "valid decision" cannot be reached otherwise, then the matter is referred to the magistrat, and thence to the superior officials, if necessary.†

Further rules of procedure are drawn up by the council itself, and when approved by the magistrat, become effective. According to these, all matters to be considered must be filed in the office of the clerk of the council in time for printing three days before the meeting at which they are to be taken up. All matters coming in late may be considered only if they are urgent and bear the signatures of at least ten members. This regulation does not apply in case of matters coming from the magistrat.

All matters for the council's consideration are grouped for discussion into five classes, as follows:

- 1—Messages and reports from the magistrat
- 2—Reports of the city council's committees
- 3—Special questions raised by councilmen
- 4—Reports of councilmen on particular questions
- 5—Suggestions from citizens, societies, etc., for the improvement of the city

The compilation resulting constitutes the calendar, or *Tagesordnung*, for the session. Matters coming in late are printed, with the above limitations, on a supplementary sheet, or *Nachtrag*, in the same order and handed to the members at the beginning of the meeting. The first two classes of subjects, as a rule, constitute the greater part of the program and are with few exceptions propositions coming from the magistrat, either in their original or committee stage. A *Tagesordnung*, taken at random‡ contains 17 items coming direct from the magistrat, 12 reports of committees of the council, one "special question" from a councilman, one special report, and one proposition from an architects' and engineers' society. The *Nachtrag* for the same day contained seven items, one being a proposition from the magistrat, and the other six reports from the council committees.

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\*Section 56. See Appendix.

†Ibid., Section 54.

‡For the meeting of July 12, 1912.

Discussion on these various propositions is regulated by the president according to the rules of procedure.\* After a proposition is stated and before a vote is taken, the president must always ask if any member wishes to speak. Those who do are required to go forward and have their names registered by the secretary. This may be done before the discussion is opened, or any time during the discussion. The members are then called upon in the order in which their names are recorded. The next to the last speech is given to the mover of the proposition; the last to the reporting member of the appropriate council committee. If a magistrat member wishes to speak after this point he is given the privilege, but his action has the effect of re-opening the entire proposition.

Amendments may be offered by any members but, at the request of the chairman, they must be put in written form.

Voting as a rule is by standing and the count is taken by the president and the secretary. If there is disagreement about the result, then the vote is taken by "ayes" and "nays." At the request of ten members there may be vote by roll-call. All voting for elections is by ballot.

In most instances the matters listed in the *Tagesordnung* are passed upon in a summary manner without further inquiry or substantiation. Some things, however, are referred either to the standing committees or specially appointed committees for investigation. The reports of such committees appear later in the *Tagesordnung* under Class 2. The committee in its report may recommend an approval or modification of the proposal from the magistrat, or it may request an entirely new proposal. In these instances the matter is referred by the council back to the magistrat. The committee is never allowed to work out a new proposal by itself. It may obtain suggestions and have discussions of an informal nature on the matter, but it may not use these in framing a substitute proposal. The most it may do is to return the matter to the council with the recommendation that it be revised along certain lines and returned again for the council's consideration.

Members of the magistrat are allowed to attend the meetings of the council's committees and in this way become acquainted with the latter's ideas and wishes. Hence if a committee disagrees only with the minor details of a proposal it can send it back through the council to the magistrat with a general approval, accompanied by a memo-

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\**Burgerbuch*, 1912, Part 1, page 62.



random on these points. Then if the magistrat agrees to the minor charges, the matter becomes valid without further action.

As a rule the city council accepts without question the reports of its committees. Only in rare instances is this not the case. Rejections may take several forms:

- 1—The council may return the report to the same committee with the request for another report along lines suggested in open session of the council
- 2—It may consider that the report is acceptable except for some detail such as finances concerned. In this case it refers the report to the finance committee. The reports of both committees are then jointly considered at some subsequent meeting
- 3—It may refuse to accept the committee's report and turn the matter over to a newly appointed committee. Then at a later meeting it considers both reports, accepts one or the other, or possibly neither of them
- 4—It may take up the report of the committee in open session, discuss, modify and pass it without further reference

When a matter presented by the magistrat to the city council is of great importance, it sometimes is referred to several committees. More often, however, it is turned over to a new committee appointed especially for the purpose. Such a committee is known as a *Gemischter Sonderausschuss*, or mixed special committee. It consists of an equal number of councilmen and members of the magistrat. As a rule such a committee has little trouble in reaching a satisfactory agreement; but sometimes the views of the councilmen and the magistrat are so divergent as to prevent settlement. In such a case the matter goes to the district president for decision.

The representation of the magistrat in the committee meetings is the rule rather than the exception. The representative present is generally the head of the department concerned. This member advises the committee and attempts in as diplomatic a way as possible to persuade the members to take what he considers favorable action. This is not always possible and sometimes majority and minority reports ensue. In this case both reports are laid before the council for inspection. A double report, however, is the exception, as generally the committee accepts the suggestions of the magistrat member and embodies them in its report without objection. The committee believes that the magistrat member is the best informed person on the subject and therefore places much confidence in his

opinion. The objections that arise are usually the result of party politics.

Sometimes matters referred to a committee are in turn referred to a sub-committee. This committee usually consists of persons especially qualified to pass on the particular matter. If the question is financial, they are bankers; if it is legal, they are lawyers and judges; if technical, they are engineers or other technical experts. Their suggestions and opinion carry much weight with the committee, and the sub-committee's report is usually passed on to the council with little change.

It will be noted that there are many ways for a careful discussion of all matters to be presented for the council's action. Besides a thorough consideration in the magistrat before they could reach the council, they are frequently reconsidered by one or more committees in the council. When they reach the council, therefore, for its vote, they are generally in prepared and final form. As a consequence, the council's action is little more than perfunctory. The final presentation is, nevertheless, the occasion for long and oratorical speeches which occupy much time and attract some visitors, but have very little effect on the issues.

The public may present any suggestions to the city council it chooses, but these cannot be acted upon effectively by the council itself. If it finds that they are of importance it refers them, after short consideration, to the magistrat for special investigation. Even then they are not considered further unless accompanied by a special request to the magistrat for a report. This applies to suggestions from technical and scientific societies as well as from private persons. The suggestions turned in may be proposals, modifications or criticisms of the magistrat's program. They may be sufficiently important and be supported by a great enough constituency to have considerable effect on the members of the council and induce them to oppose the magistrat's program, or more properly, to withhold their consent from it; or perhaps to request the magistrat to submit a new one. As a matter of fact, however, this seldom is the case.

### POWERS

Turning to the powers of the council, the charter states that "the city council has jurisdiction over all affairs of the city which are not assigned exclusively to the magistrat";\* further, that "the city council

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\*Section 45. See Appendix.

controls (*kontrolliert*) the administration";\* that it "decides on matters pertaining to the city's property";† and, with certain limitations laid down by the state it has the "power to lay taxes."‡ The council is also given the power to elect the members of the magistrat and the assistant mayor, and name the candidates from whom the mayor is to be chosen by the King.

This enumeration, taken by itself, might indicate that the council is an organ of first importance in the Frankfort administration. This impression is greatly qualified, however, by an examination of the above-named powers in the light of other statements in the charter and actual practices in the government. There are to be sure very few affairs of any importance which can be said to be "assigned exclusively to the magistrat." All matters concerning expenditure and taxation, the purchase and sale of land, appointments, and the like, require the concurrence of the council. But on the other hand, there are fewer matters which come exclusively within the jurisdiction of the council. Even the council's rules of procedure must have the approval of the magistrat. In other words, most affairs of the city lie theoretically at least within the jurisdiction of both magistrat and council, and the relative importance of each of these bodies must be determined from the nature of their operations and the extent of their jurisdiction.

The only function of importance, except the election of magistrat members themselves, which the council may exercise without the magistrat's consent is that of auditing the city's accounts and reviewing the work of the various departments. The charter empowers the council to "examine into the execution of its resolutions and convince itself of the purposes to which all the city's income is being used; to examine into the city accounts; and for this purpose to appoint a committee from among its own members." These are the means given the council to "control the administration," but it should be noted that the charter also states that "to this committee the mayor has the privilege of appointing a member of the magistrat."§ Hence, even in this otherwise independent function, the magistrat exercises a watchful supervision.

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\*Section 47, Constitutional Law. See Appendix.

†*Ibid.*, Section 59.

‡*Ibid.*, Section 60.

§*Ibid.*, Section 47. The council is likewise given the privilege of sending a representative to all the audits of the magistrat.

In the other functions the council is quite subordinate to the magistrat. Except in the matter of audits and the prosecution of certain law suits against the city, the council cannot execute its own resolutions, and it cannot compel the magistrat to execute them unless the latter so decides. Reference has already been made to the presence of magistrat members in the council and committee meetings, and their influence in shaping the policies adopted. It will also be remembered that the council's program is made up for the most part of propositions coming from the magistrat. The charter in fact states that it is the duty of the magistrat "to prepare in advance the resolutions of the city council."\* It appears, therefore, that the magistrat not only puts the council's business into its hands, but also stands by while it is considering this business, and then determines the end by refusing to execute any undesirable changes. When the council "decides on matters pertaining to the city's property," and when it exercises "the power to lay taxes," or almost any of the powers attributed to it, it is in reality only expressing its approval or disapproval of the magistrat's plan. The council thus exercises the power of concurrence rather than that of independent action, although under certain circumstances it may modify the magistrat's program.

An important exception to this rule occurs in the election of the magistrat members themselves. Sufficient has been said to indicate that these officials are the real administrators of the city. Their choice, therefore, is a matter of supreme importance to the government and the community. On this occasion the council takes the initiative, lays aside its politics, and attempts to exercise its best ability in choosing men of worth. The same applies to the council's selection of the candidates for the office of mayor.

The rules of procedure of the council contain some general suggestions on procedure in electing members of the magistrat. They stipulate that the council should always bear in mind the business requirements of the magistrat and see to it that their candidates measure up to these requirements.† All considerations of the committee as well as the council must be strictly confidential and private. The recommendations of the committee to the council must be voted on by ballot, and a majority vote is necessary for election. Each particular

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\*Section 63, Constitutional Law. See Appendix. See also page 33, *supra*, concerning the *Tagesordnung*. The magistrat does not enjoy an absolute monopoly in the initiation of business but nearly that.

†As a matter of fact the council advertises for a person having the specific requirements necessary for the position vacant.

position to be filled must be voted on separately and if there is no majority at the first election, then the first four candidates are voted on a second time. If in this election there is no absolute majority, then the two highest are voted on. In case of a tie the matter is settled by lot. The recommendations of the committee on nominations need not exclude nominations by any member from the floor of the council. In case of such a nomination, the matter is referred to the committee on nominations for its immediate consideration. Whatever may be the committee's recommendation on the nomination, a vote may be taken without further formality. In selecting the candidates for mayor, the council votes on the order of presentation, as well as the individuals to be presented.

Thus far, the power of the council has been spoken of only in reference to the magistrat. But it is also qualified in some important particulars by the necessity of securing the sanction of the state. Several matters in this category have already been considered in the previous chapter. For instance, in nominating the mayor and assistant mayor, the council is compelled to accede to the wishes of the state authorities. If none of the three candidates whom they submit for the position of mayor is acceptable to the King, then the appointment follows without further nominations. If the man chosen as assistant mayor is not acceptable to the King, a second nominee is presented. If he too is not acceptable, then the government appoints a special commission to perform the functions of the office until a satisfactory settlement can be reached. The city must pay the costs of the commission.\*

In the matter of a disagreement with the magistrat, the council is not allowed to fight out its own case in a political way, but must take the issue to the state's administrative court officials and accept their decision.†

In case the council refuses to confirm the magistrat's budget, the government, according to procedure laid down by law, may order the insertion of disputed items, and may indeed fix appropriations.‡

If in any other connection the council takes action which "trespasses its jurisdiction, or is otherwise illegal or detrimental to the welfare of the state, the government is empowered and obligated to instruct the magistrat not to carry out such resolutions.§ Finally, "by

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\*Sections 40-42, Constitutional Law. See Appendix.

†Law of August 1, 1883.

‡Section 46, Constitutional Law. See Appendix.

§Ibid., Section 80.



royal prerogative the city council may be dissolved, but a new election must take place within six months from the date of the order of dissolution.”\*

#### CLERK OF THE COUNCIL

For the business routine of the city council provision is made by the establishment of the office of the clerk of the council. At the head of the office is a chief clerk, or director, and under him are five assistants, three of whom are stenographers. The office force is responsible to the city council only in so far as its duties relate to the daily routine and office affairs of the council. Otherwise, both the director and his assistants are responsible to the magistrat. They are appointed, paid, promoted and discharged by the magistrat, and they carry on their business in accordance with rules of procedure laid down by the magistrat.

The duties of the office are wholly clerical. The chief clerk and his assistants have no initiative or exercise no judgment in handling the matters which pass through their hands. They make no changes and offer no suggestions. The chief as head of the office is entrusted by the council to receive all its papers and documents, both confidential and public, to open all communications addressed to the council, record them in a special record book, and notify the president of their receipt. He must keep on file or display all papers and documents of the council so that they may be available for the member's inspection. It is his duty likewise to prepare the calendar, or *Tagesordnung*, three days in advance of the meeting, to have it printed, to be present at the meeting with all papers supporting the calendar, and to be prepared to supply these to the president on request. He assists the president in other ways as the occasion demands, notes all action taken by the council, and supervises the stenographers in taking the exact minutes of the meeting. Later he sees that these minutes are transcribed and laid open for inspection by the members for the correction of statements and speeches. He performs similar functions for the executive committee and all other committees of the council, whose meetings he must attend either in person or by means of a representative from his office. All action taken by these committees is recorded *verbatim* and presented to the council when occasion requires.

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\*Section 82, Constitutional Law. See Appendix.



## CHAPTER IV

## THE MAGISTRAT

## GENERAL CHARACTER AND COMPOSITION

The magistrat is the administrative arm of Frankfort's city government. An observer has stated that it is in fact the *body* of the government, including at once the legislature, the executive, and perhaps the judiciary. At all events, it constitutes the active force of the administration, and as such cares for the city's most important interests and exercises its most fundamental rights.

The magistrat is not large; it contains, including with the mayor and assistant mayor, only twenty-six members. Thirteen of these are paid officials and thirteen unpaid. The salaries of the paid members range from \$1,904 to \$4,165, varying in accordance with the length of time spent in the Frankfort service. The assistant mayor receives \$4,760 and the mayor \$8,568.

Excepting the two mayors, both paid and unpaid members are elected to the magistrat by the city council. As has been noted, the mayor is chosen by the king of Prussia from three nominees submitted by the city council, and the assistant mayor is elected by the city council subject to the sanction of the king. All members of the magistrat are sworn into office by the mayor at a public meeting of the city council. The mayor is sworn into office also at a public meeting of the council, but with the government-president presiding.

The tenure of office for the unpaid members is six years, one-half retiring every three years. For the paid members, including the mayor and assistant mayor, the term is twelve years. In either case re-election may occur indefinitely.

## QUALIFICATIONS FOR MEMBERSHIP

The qualifications for membership in the magistrat are not strictly defined either in the city charter or in the ordinances. A member is not required to be a resident of the city or even of the state. Certain disqualifications are specified, however, which limits the choice in a slight measure. The following is the list of those who are disqualified:

- 1—All other municipal officials;
- 2—All officials who exercise state supervision over city affairs;
- 3—Clergymen, church officials, and teachers in public schools;

- 4—Judiciary officials, excepting the expert technical members of the commercial, industrial, and other courts;
- 5—Officials of the prosecuting attorney's office;
- 6—Police officials.

The following also may not be members at the same time; father and son, father-in-law and son-in-law, brothers or brothers-in-law. If the relation occurs during the term of office, the person responsible for such occurrence resigns.

It should be noted that the disqualifications for the magistrat are almost identical with those of the popularly elected city council. They leave a very broad field for choice, but it is a regular practice that from this field none but efficient and reliable men are chosen. The experience of the past fifty years amply illustrates how this tradition of excellence has been followed, and it will be profitable, before entering upon a discussion of the organization and powers of the magistrat, to note some facts concerning the individuals who have composed this body since its establishment.

It is not necessary in this connection to dwell upon the reasons why Frankfort has a corps of high-calibered administrators. It has frequently been pointed out that permanent tenure, ample pensions and a high social position were sufficient to draw good men into German civic life. The purposes of the following pages is rather to give examples of experts produced in Frankfort's experience.

#### FRANKFORT'S EXPERTS

It was stated above that the magistrat is made up partly of paid and partly of unpaid members. It is the paid members, including the mayor and assistant mayors, who are Frankfort's municipal experts. They are the men long in service, learned, resourceful, and provident for the civic future. Since the city came into the Prussian municipal fold in 1867, Frankfort has had thirty-four of these experts—three mayors, four assistant mayors and twenty-nine paid members of the magistrat.\*

In the beginning, it may be noted that of these thirty-four experts twenty-three had the university degree either of doctor of philosophy, or of law.

A further glance at their history shows that twenty-one of them were born outside of Frankfort and that of the remaining thirteen who

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\*The seeming discrepancy in the total is accounted for by the fact that two members of the magistrat later became assistant mayors.

claim Frankfort as a birthplace, ten were elected to office during the first fifteen years of the present government's history (i.e., 1867-1882). Only three of the present (1912) administration were born in Frankfort. Considering the fact that the natural flow of population is much slower in Germany than in the United States, these figures would indicate that especially in recent years Frankfort has recruited most of her leading officials from outside sources.

More pertinent, however, is the fact that thirteen of the thirty-four experts were recruited directly for the Frankfort service from the governments of other cities or from that of the state. Frankfort's first mayor under the present regime was a Prussian senator prior to his election; the second had been mayor of Osnabrück, and the last, mayor of Altona-on-the-Elbe. Among the remaining ten, three had held positions as mayors in other cities, two as paid administrators, and one each as Prussian representative (*Landrat*), syndicus, government railway official, building commissioner, and director of a state military academy. These positions amply illustrate how Frankfort in her desire to secure appropriately trained officials draws freely from various outside centers.

Of the twenty-one magistrat members not recruited from outside civic fields, sixteen received their preliminary training in the government service of Frankfort itself. They were promoted to the magistrat from such positions as councilman, city architect, city railway director, syndicus, assessor, and departmental director. Their term of apprenticeship varied from one to nineteen years. Statistics concerning the previous occupations of three members are unavailable. The remaining two were lawyers, one in Frankfort, the other in Stuttgart. Two of Frankfort's four assistant mayors were promoted to their positions from the magistrat in which they had served eighteen and nineteen years respectively and to which they had been elected only after having fully qualified in subordinate positions.

It may be said, then, that of the thirty-four experts who have served the Frankfort government between 1867 and 1912, at least twenty-nine, or eighty-five per cent., had received previous training in responsible civic positions in either the state or municipal field.

The varying terms of this apprenticeship are reflected in the differing ages of the experts on assumption of office. The youngest man to be elected to the magistrat was sworn in at the age of thirty. There was also one at thirty-one, two at thirty-two and one at thirty-three. The oldest to be elected was fifty-nine. There were four others who were fifty or more on assumption of office. The average age for all

was forty-one years. This is somewhat lower than the average age for the mayors or the assistant mayors, which in each case is forty-eight years.

The actual term of office served by these men likewise varies. To make clear the average it is necessary to take several facts into consideration. When the present form of government was first established in Frankfort in 1867, it offered openings for only six experts—four paid members of the magistrat, the mayor, and the assistant mayor. This number has only gradually been increased to the present staff of thirteen. Moreover, eleven officials have resigned their positions before the expiration of their full terms. These facts have necessitated a total number of elections to the magistrat and mayoralty in the forty-five years of the government's history of exactly forty-five. This number includes eleven re-elections, ten officials being re-elected once, and one a second time. Considering that the aggregate number of years served by the thirty-four experts was three hundred and ninety, it is apparent that the average term per expert has been about eleven and one-half years. This computation includes the records of seven officials now (1912) in office who have served an average of only six years of their first terms. A more exact and valuable reckoning, including only completed terms, brings the average tenure of office up to 12 8/9 years. The shortest term was one year, served from 1868 to 1869 by a man who had been "Junior Mayor" under the old government when Frankfort was a free city. Another term of only two years (1885-1887) was served by an official who resigned to become First Mayor of Hannan-on-the-Main. Two terms of four years each were served between 1896 and 1900 by officials who resigned at the end of that period, one to enter business, the other to retire from active work. The longest term is being served by an official still in office. He was elected to the magistrat in 1884, and has been twice re-elected. He is now (1912) sixty-seven years old, having served the government in an expert capacity for twenty-eight years.

The following is a complete list of all terms since 1867 of paid members of the magistrat, assistant mayors and mayors, given in the order in which they took office:

1-12 years*	5-12 years
2-12 " †	6- 1 year
3- 9 "	7- 6 years
4-12 "	8-12 "

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\*Mayor.

†Assistant Mayor

9- 7 years	22-17 years (still in office)
10-19 " *	23- 4 "
11-12 " †	24- 4 "
12-19 " ‡	25- 9 "
13-15 "	26- 9 "
14-24 "	27-12 " (still in office)
15-28 " (still in office)	28-11 " ( " " " )
16- 2 "	29- 9 " ( " " " )
17-24 " (still in office) §	30- 6 " ( " " " )
18-13 "	31- 6 " ( " " " )
19-21 " ¶	32- 5 " ( " " " )
20- 4 "	33- 3 " ( " " " )
21-18 " (still in office)	34- 3 " ( " " " )

If the expert is followed after leaving the Frankfort service, it is found that he frequently retires from active work. This has been true, in fact, in 65 per cent. of the cases. Five officials have resigned for the purpose of retiring, but only after an actual service averaging twenty-one years in length. Only four officials have accepted other positions after completing their terms in the Frankfort government and, likewise, only four have resigned to accept other places. Of these eight, five continued in the civic field, two went into business, and one became president of a bank.

To recapitulate, it appears that of the thirty-four experts who have played the chief role in administering Frankfort's government since 1867, only thirteen were born in Frankfort, sixteen served a considerable apprenticeship in the Frankfort government before their election to the magistrat, and thirteen were recruited for the Frankfort service directly from the governments of other cities or that of the state. Assuming office at the average age of forty-one years for the ordinary paid members and forty-eight years for the mayors, they served an average of 12 8/9 years, after which 65 per cent. of them retired from active work. In short, these experts have been men who made government their business and indeed their life work.

For the purpose of contrast and as an illustration of Frankfort's attempt to anticipate the possible evil effects of a purely technical administration, it will be well to note the evident differences between the

\*Assistant Mayor for seven years.

†Mayor.

‡Assistant Mayor.

§The present Assistant Mayor.

¶Mayor.



paid, or expert division of the magistrat, and the unpaid. In the first place, the unpaid members are as a rule *bona fide* natives of Frankfort and are, moreover, men to whom the administration of government has come only somewhat incidentally. Of the thirty-eight members who have held office since 1867 all but six were born in the City of Frankfort, and all but three were business or professional men rather than government officials previous to their election to the magistrat. The vocations represented are numerous and comprehensive, as appears from the following list:

Merchants .....	14	Chemist .....	1
Architects .....	7	Physician .....	1
Manufacturers .....	3	Farmer .....	1
Lawyer .....	1	Interior decorator.....	1
Engineer .....	1	Locksmith .....	1
Lecturer .....	1		

Ten of these men were retired citizens at the time of their election. The three members who had had previous administrative experience in government had occupied positions, respectively, as advanced clerk, *Stadtrat* of Bochenheim (then a suburb of Frankfort), and *Stadtrat* of Frankfort. But aside from this administrative experience, it should be noted that eighteen of the thirty-eight members had served an average of five and five-sixth years in the city council, and eleven of the eighteen were serving in the council at the time of their election by the council. Two members had served as legislators in the Prussian House of Lords (*Herrenhaus*).

Another difference between the paid and unpaid members is seen in the variation in ages at which they assume office. The average age for unpaid members is 51 years, whereas that for paid members 41. The oldest unpaid member to take office was 66 when elected, the oldest paid member 59. It is natural that since the unpaid officials come into office later in life, they should serve a shorter term. The longest term, however, has been served by an unpaid member who held office in that capacity for 33 years, exceeding by 5 years the longest term of a paid member. However, the average for the unpaid members has been only  $9\frac{1}{2}$  years as compared with  $12\frac{8}{9}$  for the paid members.

That the unpaid officials are elected later in life than the paid ones is partly explained by the fact that there are more men at the age of 51 than at 41 who are in a position to give their services to the state, and also by the fact that the government needs for these places men of more mature judgment.



It is the duty of the unpaid members to keep close watch from the inside on the administration, and through the effective means of their votes in magistrat meetings to pass judgment thereon. They seldom act as chairmen of deputations or commissions, but frequently as vice-chairmen or ordinary members, so that as a rule they do not actually direct affairs but are always present to observe and criticise.

In view of these functions, the business and professional man, and in some cases the ex-legislator is chosen for the unpaid division of the magistrat because his experience has been broad enough not to prejudice him for or against certain technical policies of administration; and the native citizen has been preferred to the stranger, doubtless because his natural pride and interest in the civic welfare of the community makes him a more alert critic of mal-administration. At all events the native layman seems to be a necessary and permanent supplement to the recognized expert in Frankfort's administrative system, for the result of fifty years of careful civic experience shows an organization in which these two elements are exactly evenly represented.

#### ORGANIZATION AND PROCEDURE

For legislative and deliberative purposes, the magistrat holds two meetings or sessions a week. These take place at 10 o'clock on Tuesday and Friday mornings in the famous old Römer Rathaus, the identical hall in which the emperors of the Holy Roman Empire were for centuries elected. The time is determined by the "mayor in agreement with the members."\* Special meeting may be called at any time or the number of regular meetings may be increased, at the discretion of the mayor. A quorum consists of a majority of all the members, and any resolution or action, to be valid, must have the approval of a majority of those present.

The sessions are attended by the greatest secrecy. The magistrat sits behind doors that are not only closed but also padded.

The matters to be considered at any meeting are known only to the members themselves and to the secretary. Even after a meeting not all matters under discussion are made public, but only such as are agreed upon by the magistrat. The secrecy applies to departments of the government as well as to citizens. The reasons given for this policy are: (1) that it gives the appearance of unanimity to all decisions of the magistrat; (2) that many matters pending in the magis-

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\*Magistrat's Rules of Procedure, page 58, *Bürgerbuch* (1912).

trat might, if they became known, cause some hindrance to efficient and economic administration, and (3) that since there are many matters on which the magistrat alone need pass, secrecy facilitates administration and lessens discussion and protest.

Some matters are kept secret in both the magistrat and the city council. Among these are the purchase and sale of real estate, personal affairs, such as appointments and promotions, and certain other matters appearing from time to time which the magistrat marks "secret." The magistrat's requests for secrecy are as a rule adhered to, but in some instances political parties in the council disregard them when such a policy works to their own advantage.

Procedure in the meetings is strictly formal both as regards the matters under consideration and the order in which they are discussed. All matters which the members wish to be considered must be filed in the office of the city secretary before 10 A. M. of the day preceding a meeting. The city secretary immediately has a printed list made of all matters so reported, and dispatches sealed copies of this either to the offices or the homes of the various members. This list constitutes the order of the day (*Tagesordnung*) for the magistrat meeting and is always in the same form.

This *Tagesordnung* does not necessarily include everything taken up at a particular meeting. Some matters about which there is especial secrecy are not printed in the list, but are presented by verbal notice before or during the meeting. Matters not reported to the city secretary's office until after 10 A. M. are not discussed at the next meeting following unless they are urgent. In that case they are printed in a special list which is handed to the members at the beginning of the meeting and are considered if the magistrat so decides.

The order in which reports, proposals, and addresses are listed in the *Tagesordnung* and taken up in the session is prescribed by decree of the magistrat. The mayor's reports always come first and are considered and disposed of before new proposals are admitted to discussion. Reports of other members follow in the order of seniority in service. This order does not concern discussion on any given point—the rules of parliamentary debate apply in that case—but to the formal introduction of reports and proposals. One proposition may occupy an entire session. After it is disposed of, perhaps in the next session, the member second in seniority is given the floor, and so on, in turn until every member has had an opportunity to report and make suggestions for his particular part of the government.

In cases of urgency this formal order may be set aside, but only by vote of the magistrat. When a matter of importance is brought up and the member reporting so requests, he may be permitted to collect further material and make a later report. If a subject arises for which there is no appropriate department for reference, the mayor may appoint or have elected a commission of three or more members of the magistrat to investigate and report at a later session. The mayor may also appoint individual members to investigate and report on special subjects.\*

The organization of the magistrat for collective purposes is simple. There are only two important offices, those of chairman and secretary. The former is occupied by the mayor, or in his absence the assistant mayor or some other representative from the magistrat named by the mayor. Besides performing the usual functions of a chairman, the mayor exercises in this capacity some exceptional powers. The charter states, for instance (Section 64), that "it is the duty of the chairman to protest against a resolution of the magistrat which pertains to a matter outside of its jurisdiction, or which is otherwise illegal or detrimental to the state welfare or the interests of the city." Thus a large discretionary power is lodged in the chief of the administration. The precipitate action of many is sought to be restrained by the judgment of one. But since the "one" in this case is the mayor and, as such, the approved choice of the Prussian King, he is not apt to be guilty of radicalism and the scheme therefor offers little danger to the established government.

Any deadlock which may arise between the mayor and the magistrat, as stated above, is referred for settlement to district committee. But as a matter of fact such action seldom occurs. The city officials are too jealous of the local autonomy they enjoy to give any undue occasion for state interference and thus jeopardize their freedom of control. Consequently, they generally manage to settle their quarrels at home. Since the mayor is somewhat representative of the state's policy and can hold over the heads of the magistrat members the threat of appeal, he is usually successful in winning his case. This naturally exalts his position and makes him more than ever the leader of the administration.

"For disciplinary purposes the mayor is empowered to exact a fine up to six guldens."†

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\*Magistrat's Rules of Procedure: 1869, 1873, 1898.

†Section 65, Constitutional Law. See Appendix. A gulden equals about 45 cents.

The functions of the secretary of the magistrat are discussed in a separate chapter under the heading "The City Secretary's Office."

### DEPUTATIONS

For the more detailed purposes of departmental administration the magistrat is organized very much the same as an executive cabinet, with the mayor as chairman placing the individual members as the responsible heads of the various city departments. This applies more particularly to the paid members, who are assigned the posts of first importance, whereas the unpaid members are usually made assistants or substitutes. As the head of a department, however, the magistrat member does not act as an isolated executive, but rather as the chairman of a small board of advisors, which itself bears much resemblance to a cabinet. For every department and in fact every important interest of the city government, there exists such a board, and every board is held answerable for its department. The board idea is thus universal in the Frankfort administration. These boards are known by several names, such as *Deputation*, *Bureau*, *Amt*, *Pflegamt*, *Ausschuss* or *Kommission*. In some cases there is little significance to these titles, as far as a notion of powers or functions are concerned, for they seem to be used as much for euphonic as descriptive purposes; but in general, it may be said that the *Amt* and *Bureau* are concerned with fairly well-defined administrative problems; the *Kommission* with matters of a temporary or changing nature; and the *Ausschuss* (committee) with matters of only quasi-public character. The *Pflegamt* (board of guardians) is the name used for the boards governing the various charity organizations and foundations. It carries the idea of a guardianship. The term *Deputation* is the common one used in reference to all boards and will be so employed in the following pages.

The different deputations are variously constituted, depending upon the character of the department which they govern. They may include magistrat members only, or magistrat members and councilmen, or magistrat members, councilmen and citizens or other city officials. The magistrat members are generally appointed by the mayor, although in some cases they are elected by the magistrat.

Since there are many more deputations than paid members of the magistrat, some members are appointed to several chairmanships. In fact, every paid member but one is (1912) chairman of at least two

deputations and some of four or five. In addition, each member is assigned subordinate positions on several more deputations.

As noted above, there exists a deputation for every city department. Hence, the number and kind of deputations change with the development of the government. When a new department is to be created, the magistrat sends to the city council a proposal embodying its main features; the purpose, the kind and number of members to be in the deputation, the method of business procedure, and a number of miscellaneous matters pertaining to the particular subject. The council turns this proposal over to its organization committee, which generally readily sanctions it, and the council then adopts the measure without further change and it becomes law. Thus, for every department with its governing deputation there exists a corresponding ordinance known as a *Regulativ, Ordnung* or *Ortsstatut*, which may be found in the *Bürgerbuch*.

Deputations may be either permanent (*Ständige Deputationen*) or temporary (*Vorübergehendezwecke Deputationen*). The former are those concerned with permanent interests or connected with the permanent departments. Prominent among the deputations of this class, which constitutes the greater number, are those on taxes and finance, harbors, military affairs, and municipal railways. The temporary deputations are those connected with temporary needs or objects, such as perfecting plans for new municipal buildings, or the construction of a new bridge. They are created as such needs arise and disappear with them. There are at present (1912) forty-six separate deputations of sufficient importance to be listed by the government, besides about thirty of lesser importance.\*

For the permanent deputations the tenure, in the case of the magistrat members, is not fixed or limited. They hold office until their terms in the magistrat expire or the mayor sees fit to transfer them to another post. This is likewise true of some of regular civil service officials who are appointed to the deputations. The citizen-members, however, as well as the city councillors, hold only for limited terms, which vary with different deputations from two to six years. The tendency is to the longer term and, as in the case of a standing committee, there are from time to time many re-elections. The membership thus tends to remain the same.

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\*The former are listed on page 53.



For the temporary deputations the tenure is the same for all and is determined by the nature of the enterprise. It varies from one to three years.

In size the deputations range from one to thirty-eight members. The average membership is eight persons. Although no exact rule can be laid down determining size in particular cases, yet the variation follows more or less closely the nature of the business concerned. In general the deputations connected with poor relief, health, schools and employment, are well above the average in size; whereas those concerned with well-defined civic institutions, such as courts and public utilities, are much smaller.

The following list illustrates this difference:

Employment .....	14
Continuation and industrial schools....	16
Schools—general .....	18
Health .....	22
Orphans and poor.....	26
Merchants' court .....	6
City pawnshop .....	4
Military affairs .....	8
Harbors .....	6
Baths .....	7
City secretary's office.....	2

An analysis of the composition of individual deputations likewise shows how the nature of the business affects in some measure the representations of citizens, councillors, and magistrat members. As a rule the citizens are given a large representation on the deputations concerned with art and museums, charities, employment, trade schools, health, hospitals and burial grounds. There are seventeen boards in this class. City councillors and magistrat members are about equally represented in the field of property and public works, education, trade and commerce. The magistrat alone is represented on the deputations for auditing, taxes and the budget, the city archives, the city library, the city secretary's office, the city committee, vital statistics, city statistics and the building police.\*

Thus of the 46 more important deputations, there are nine constituted of magistrat members alone. Four more have only magistrat members and councillors. Twenty-one have the three elements of mag-

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\*To maintain its own interests in the important fields of accounting and finance, the city council has special standing committees, and according to charter provisions (Section 63, Constitutional Law. See Appendix) it can, and in practice always does, have a special representative present at regular and special audits undertaken by the magistrat.



istat members, councillors and citizens. In addition to these there are 11 deputations, several of them included in the last-named class, which also contain city officials. The fields covered by this class are in general, schools, hospitals, and courts, and the officials chosen are, respectively, teachers, physicians and lawyers. Finally, there are four deputations, all of them concerned with charities, which are entirely constituted of citizens. The following table shows the composition of the 46 deputations:

NAME AND COMPOSITION OF IMPORTANT DEPUTATIONS

NAME	Number of Mem- bers	Mag- istrat Mem- bers	City Coun- cillors	City Offi- cials	Citi- zens, Etc.
General Charity Funds .....	6	3	—	—	3
Asylums .....	7	2	1	1	3
Asylum for Insane and Epileptics.....	5	2	1	—	2
Employment Bureau .....	14	2	—	—	12
Baths .....	7	3	2	—	2
Building Police .....	1	1	—	—	—
Electricity and Railways .....	9	3	4	—	2
Continuation and Industrial Schools .....	16	4	2	4	6
Cemeteries .....	8	2	2	—	4
Art Gallery .....	7	2	2	1	2
Health .....	22	5	3	3	11
Commerce Court .....	7	1	—	6	—
Trade and Commerce .....	6	2	3	—	1
Harbors .....	6	2	1	—	3
Frankfort's History .....	3	1	—	1	1
Buildings .....	9	3	3	—	3
Hospital of the Holy Ghost .....	9	2	1	—	6
St. Katharinen and Weissfrauen Convent.....	5	—	—	—	5
Merchants' Court .....	6	—	—	6	—
Art and Antiques .....	8	2	2	—	4
Art Funds—Administration .....	9	3	—	—	6
High School Board .....	12	3	5	1	3
Real Estate .....	11	6	5	—	—
Military Commission .....	8	2	3	—	3
East Harbor .....	15	6	7	—	2
Pawnshop .....	4	2	1	1	—
Accounting (Finance, Budget, Taxes, Etc.)....	5	5	—	—	—
Auditing .....	1	1	—	—	—
Rechus Hospital .....	5	—	—	—	5
Schools—General .....	18	3	4	8	3
Savings Bank .....	11	5	3	—	3
City Archives .....	1	1	—	—	—
City Committee .....	7	7	—	—	—
City Library .....	1	1	—	—	—
City Chamberlain .....	7	3	4	—	—
City Secretary's Office .....	2	2	—	—	—
Vital Statistics .....	1	1	—	—	—
Statistics .....	1	1	—	—	—
Endowments .....	10	5	5	—	—
School for the Deaf .....	3	—	—	—	3
Subterranean Work .....	8	3	5	—	—
Bequests .....	9	4	5	—	—
Poor House .....	5	—	—	—	5
Museum of Races .....	7	2	1	—	4
Orphan Asylum .....	5	—	1	—	4
Orphans and Poor .....	38	2	5	12	19

In considering the relative importance of the various elements represented on the deputations, it should be remembered that they do not enjoy influence and authority in proportion to their numbers. Although the magistrat as a rule has only two or three representatives on a board, these almost invariably hold the balance of power. This naturally follows from conditions which have already been described. In the first place, the magistrat members are chairmen of the deputations and as such exercise various prerogatives not granted to the others. It should be noted in this connection, however, that although the chairman is usually the most active member of a particular board, he is not necessarily so. He may, if the governing ordinances so permit, transfer much of the business of his office to the vice-chairman, who in most cases is likewise a magistrat member.

The powers and functions of each chairman are defined to some extent in the ordinances and by-laws for the particular board. This enumeration, however, is not very comprehensive or illuminating as to his actual field of operation. The laws for many boards state that the chairman shall represent the board in outside affairs; sign all documents and papers issued by the board; announce its decisions—but in what manner it is not stated;\* and arrange in advance the business of the board and call meetings when he sees fit;† the laws in some cases give the chairman the right to set a time for regular meetings. Different rules are laid down for different deputations. The chairman of the orphans and poor board, and also of the bath commission, may issue important orders and regulations in cases of urgency, but their action must be passed upon by the respective boards at the next meeting. The chairman of the harbor commission may of his own accord issue instructions on minor matters to the warehouse director; and the chairman of the employment bureau deputation is permitted to hear and pass upon complaints of a minor character. Various other specific powers are given to the chairmen of other deputations.

But it is evident that this miscellaneous delegation of powers is not sufficient to account for the outstanding importance which the magistrat members of the various boards enjoy. The explanation lies rather in the fact that these men are experts whose business is municipal administration, and whose main interests, and indeed careers, are

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\*It appears in practice that the chairman often notifies the personnel of his department through printed bulletins or placards, or through notices printed in the *Anzeige-Blatt* (See page 79).

†He must call a meeting at the request of the magistrat or of two or three members of the board.

wrapped up in the issues of good government. They hold office for long periods and gain a certain proprietorship in the government, which their colleagues serving shorter tenures fail to attain. They, moreover, assume an added importance because they may be called upon on the floor of the magistrat to uphold any measures or recommendations adopted by their respective deputations.

Finally, at least the chairman and vice-chairman of each deputation have the distinction usually of knowing more about the particular subjects at hand than any other of the members. In fact, they are assigned by the mayor to the leadership of certain deputations because of their special aptitude or experience in the subjects there concerned. They are not only specialists in city government, but in particular lines of city government. If they are not so by previous training, they are made so by their assignments in the administration. This is evident from an examination of the places held by the various members. Dr. Flesch, for instance, is (1912) active chairman of six deputations; four of them are concerned with charities, one with the employment bureau, and one with cemeteries. He is vice-chairman of five deputations, three of which are concerned with charities, one with health and one with living conditions. He is a member of four more deputations, one of them on charities, two on employment, and one on social and commercial science. He is obviously a specialist in public welfare administration. Dr. Ziehen, on the other hand, is concerned almost wholly with school administration and education. He is an active chairman of four deputations, active vice-chairman of four more, and a member of four others. All but two of these are concerned either with school functions or administration, or some other aspect of education. Similarly, Professor Dr. Bleicher is connected as chairman, vice-chairman, or ordinary member with thirteen deputations, which are in general limited to the field of accounting, finance and taxation. In each of the above three cases the boards of which these men are active heads are more closely related than those of which they are only nominal heads or ordinary members. In other words, the departments over which they exercise the largest control are more nearly of a kind and consequently admit more uniform methods of administration, which they as specialists are equipped to supply.

The assignments of the unpaid members, it may be noted, do not indicate that they are recognized as experts or specialists in the sense that their colleagues are. Their places are not limited to special fields or departments, but include as a rule several fields of differing inter-

ests. Professor Dr. Stein, for instance, is a member of deputations concerned with such varying interests as the city's property, employment, the hospital for insane and epileptics, the residence district, and the new university. Stadtrat Henss is likewise a member of deputations concerned with employment, foundations, the savings bank, and public works. These more or less miscellaneous appointments are characteristic of those of the unpaid members and illustrate further how the latter function more as a balance wheel for the administration than as its motive power or directing machinery. In this capacity, however, they exercise considerable influence and are, next to their paid colleagues, the most important representatives on the deputations.

A complete list of all assignments for paid and unpaid members is (1912) as follows:\*

ASSIGNMENTS OF THE PAID MEMBERS OF THE MAGISTRAT  
DR. FLESCH

Active Chairman of:

Employment Bureau  
Cemeteries Board  
Orphans and Poor Board  
Königswarter Foundation  
Karl Scherbins Foundation  
Arthur Mayschen Foundation

Nominal chairman of:

Industrial Court

Active Vice-chairman of:

Health Commission  
Foundations Deputation  
Bequests Deputation  
Housing Board  
Wilhelm and Augusta Victoria Foundation

Active Member of:—

Member of:

Workmen's Commission  
Commission on Unemployment  
Academy for Social and Commercial Science (University)

DR. HENGSEBERGER

Active Member of:

Board on Underground Construction

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\*The places which the mayor reserves for himself and the assistant mayor are discussed in Chapter 5.

**Member of:**

Alignment Commission  
Tax Revision Commission  
Committee on Water Supply

DR. LEVIN

**Active Chairman of:**

Insurance Office  
Workmen's Commission  
Commerce and Industry Board  
Savings Bank Board  
Pawnshop Commission

**Active Vice-chairman of:**

Committee on the Development of Markets  
Commission on Food Supply

**Vice-chairman of:**

Harbor Commission  
Electricity and Railway Board

**Member of:**

Commission on City Officials  
Commission on Unemployment

**Alternate Member of:**

Mixed Real Estate Committee

STADTRAT HIN

**Active Chairman of:**

Harbor Commission  
Electricity and Railway Board

**Member of:**

Alignment Commission  
Tax Revision Commission  
Workmen's Commission  
Unemployment Commission  
East Harbor Commission

DR. WOELL

**Active Chairman of:**

Institutional Deputation  
Board for Insane and Epileptics' Hospital

**Active Vice-chairman of:**

City Committee  
Board for Rothschild Foundation

## Vice-chairman of:

Board for the Hospital of the Holy Ghost

## Member of:

Board for the Continuation and Industrial School

School Deputation

Board of School Trustees

Tax Revision Commission

Committee on Water Supply

Königswarter Foundation

Wilhelm and Augusta Victoria Foundation

## Alternate Member of:

Commission on City Officials

DR. ZIEHEN

## Active Chairman of:

Commission for Art Objects and Antiques

Administrative Commission for the Museum of Races

Historical Commission

Board of Trustees for the Royal Industrial-Building School

## Active Vice-chairman of:

Board of School Trustees

School Deputation

Board of Trustees for the Royal Machine-Building School

Board of Continuation and Industrial School

## Member of:

Speyer Students' Foundation

Academy for Social and Commercial Science (University)

Alignment Commission

## Alternate Member of:

Commission on City Officials

PROFESSOR DR. BLEICHER

## Active Chairman of:

Commission on the Examination of City Officials

Statistics Board

Finance Commission

## Vice-chairman of:

Military Commission

Commission on City Officials

Commission on Officials' Affairs

## Member of:

Mixed Real Estate Committee

Tax Revision Commission



Committee on Water Supply  
Commission on Workmen  
Commission on the Examination of City Officials  
Alternate Member of:  
East Harbor Commission

DR. MECHBACH

Active Chairman of:  
Commission on the Office of City Chamberlain  
Board for the General Charity Chest  
Vice-chairman of:  
City Committee  
Commission on Workmen  
Member of:  
East Harbor Commission  
Committee on the Development of Markets  
Alignment Commission  
Alternate Member of:  
Commission on City Officials

DR. FRANZE

Vice-chairman of:  
Underground Construction Board  
East Harbor Commission  
Member of:  
Health Commission  
Alignment Commission  
Tax Revision Commission  
Committee on Water Supply  
Committee on Workmen  
Unemployment Commission  
Committee on the Development of Markets

DR. SCHAUMANN

Active Chairman of:  
Tax Revision Commission  
Above-ground Construction Board  
Vice-chairman of:  
Bath Commission  
Board for the Royal Industrial-Building School  
Member of:  
Health Commission  
Board for the Continuation and Industrial School

Committee on the Development of Markets  
 Administrative Commission for Art Funds  
 Alignment Commission  
 Commission on Workmen  
 Unemployment Commission

DR. LUPPE

Active Chairman of:

Military Commission  
 Housing Board  
 Bath Commission

Chairman of:

Above-ground Construction Board  
 Finance Commission  
 Commission on the Office of the City Chamberlain

Member of:

Health Commission  
 Alignment Commission  
 Tax Revision Commission  
 Commission on Workmen  
 Commission on City Officials

#### ASSIGNMENTS OF THE UNPAID MEMBERS OF THE MACISTRAT

STADTRAT VON METZLER

Has no assignments

STADTRAT FLUSCH

Active Chairman of:

Board for the Hospital of the Holy Ghost

Vice-chairman of:

Pawnshop Commission

STADTRAT ZIMMER

Vice-chairman of:

Cemeteries Commission  
 Savings Bank Board  
 Board for the Insane and Epileptics' Hospital

Member of:

Finance Commission  
 City Committee

STADTRAT ABT

Vice-chairman of:

Board of the General Charity Chest

Member of:

Commission on the Office of the City Chamberlain

Foundations Deputation

Committee on the Development of Markets

Commission for the Examination of School Building  
Programs

Alternate Member of:

Mixed Real Estate Commission

STADTRAT STIEBEL

Vice-chairman of:

Orphans and Poor Board

Arthur Mayschen Foundation

Member of:

Finance Commission

Savings Bank Board

Wilhelm and Augusta Victoria Foundation

City Committee

STADTRAT BINDING

Vice-chairman of:

Administrative Commission for the Museum of Races

Member of:

Bequests Deputation

Bath Commission

PROF. DR. STEIN

Vice-chairman of:

Employment Bureau

Member of:

Commission on the Office of the City Chamberlain

Housing Commission

Board for the Insane and Epileptics' Hospital

Unemployment Commission

Academy for Social and Commercial Science (University)

Alternate Member of:

Foundations Deputation

## STADTRAT HENSS

## Member of:

Foundations Deputation

Underground Construction Board

Unemployment Commission

Commission for the Examination of School Building Programs

## Alternate Member of:

Savings Bank Board

## STADTRAT HOFFMANN

## Vice-chairman of:

Commerce and Industry Board

Karl Sterbin Foundation

## Member of:

City Committee

Unemployment Commission

Arthur Mayschen Foundation

## Alternate Member of:

Savings Bank Board

Bequests Deputation

## DR. KIRSCHHEIM

## Vice-chairman of:

Institutions Deputation

## STADTRAT MOESSINGER

## Vice-chairman of:

Art Gallery Deputation

Commission on Art Objects and Antiques

## Member of:

Electricity and Railway Board

Finance Commission

Bequests Deputation

## Alternate Member of:

Mixed Real Estate Commission

Depending upon the nature of their business the deputations meet at varying intervals. Those connected with such departments as street railways, schools, city property and orphans and poor meet once or twice a week. Those on trade and industry, charities, the savings bank

and a great many others, meet only once in three or four weeks; whereas there are a score of others that meet not oftener than twice a year.

It remains to note the powers exercised by the deputations as such. In the first place, they do not as a body perform the work of immediate direction of the affairs of the various departments. They accomplish this through a director (*Vorsteher*) or some other person who has been placed in full administrative charge. Thus they constitute a go-between connecting the magistrat and the civil service. They have more power than the director, but less than the magistrat. Theirs is the duty of general supervision, not of deciding the policies or performing the acts of administration. This requires that they see that the most efficient administration is obtained by the man in charge. For this purpose they frequently visit the offices of their respective departments, examine the books and accounts, issue special directions for the performance of special tasks, receive and consider suggestions from the director for the management of business. They also keep a close watch through their officers on the personnel of the departments and make recommendations for promotion, examination and for new appointments. They observe the needs for expansion and improvement in their particular departments and make these known to the magistrat in frequent reports. Finally, they perform the very important function of preparing the budget estimates for the departments, and may embody in these any recommendations for improvements, which they consider essential for the betterment of the administration. In this form their recommendations always get a hearing before the magistrat and often are the basis for far-reaching changes.

In some cases deputations are allowed to make minor changes in administration without the consent of the magistrat. But in the important matters of departmental organization, appointment, promotion and discharge, and the increase of expenditures not provided for in the budget, they must have the sanction of the magistrat. In spite of these restrictions, however, their influence through recommendations to the higher authorities is very considerable.

But as has already been indicated, this influence is only another form of the power of the magistrat. Councillors and citizens are, it is true, given representation on the deputations but the magistrat members, as a rule, dominate the proceedings and determine action. The presence of the other members serves to broaden the vision of the leaders and has the additional virtue of at least a popular aspect.

## DISTRICT DIRECTORS

For purposes of local administration the city is divided into fifty-seven separate districts (*Stadtbezirke*). These correspond with a few exceptions to the poor districts of which there are fifty-eight, and as a rule follow the boundaries of the natural divisions of the city. Many of the original divisions, however, are made into two or three districts.

At the head of each administrative district is a district director and an assistant director, elected by the city council for a term of six years. The term is fixed by charter provision, and if elected, service is compulsory.\* Both positions of director and assistant are "honorary," i.e., without salary. An allowance, however, of 200 marks a year is given for office expenses, and postage is furnished in addition. The directors are authorized to rent an office where conferences may be held "without the knowledge of the transactions coming to a third person."

A district director may at the same time serve as poor-director and as justice of the peace for his own district, though not for another district.

He acts in the main as an organ of local administration for the magistrat and the various departments. The methods of communication are special or general instructions issued to particular directors or to the whole number, depending upon the nature of the business. Inquiries on special points are sometimes issued and for such cases the ordinance states that directors shall report "in the shortest possible time." From time to time when matters of general concern arise the magistrat assembles the entire body of directors for instructions and inquiry.

The matters most often referred to the directors are those concerning poor-administration, tax assessing, census taking, schools and election. If the directors are not at the same time poor-directors, they are required to attend regularly the meetings of the local poor committee, and assist in various ways in charity affairs. They are supposed to have an intimate acquaintance with the people and living conditions in general in their districts and to be prepared to supply the government as well as private organizations with information on short notice. They supply without charge marriage, christening and death certificates to the poorer residents of their district. They are also called

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\*See Section 67, Constitutional Law (Appendix), for exceptions.



upon to assist the government in choosing citizens for voluntary work in any of the above fields. They serve the citizens of their district by giving attestations or cards of identification for pensioners, recipients of widow and orphans money, or any who have official business. They finally are obliged to keep secret all personal matters which come to them in their official capacity as well as all official orders from the magistrat and the departments.

#### POWERS OF THE MAGISTRAT

Returning to the magistrat itself, it is important to note the actual extent of this body's field of operation. Considerable space is given to this subject in the city's charter\* and a comparatively clear statement is made of the powers and functions. They are briefly as follows:

- 1—Execution of the laws and ordinances, as well as the orders of the superior authorities
- 2—Preparation in advance of the resolutions of the city council and their execution in so far as the council declares itself in agreement with them. (The magistrat must refuse its approval and refuse to execute any resolutions of the city council which trespass its functions, or which are otherwise illegal, or contrary to the interests of the community, or the state.)
- 3—Administration of the city institutions
- 4—Administration of the income of the municipality and keeping watch of the council's actions in regard to the budget
- 5—Administration of the city's property
- 6—Appointment of the officials of the city after the council has given its consent, and supervision of them
- 7—Preparation in the original and preservation of all important documents of the city
- 8—Representing the city in all its outside relations—with private individuals, departments and the state government
- 9—Assessment of the city taxes among the taxpayers and their collection

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\*Section 63.

This enumeration of powers includes those things which are most essential to the life of a municipal corporation. But it should be remembered that the power of the magistrat over them is not exclusive. It is qualified by the necessity of securing the concurrence of the council and the sanction of the state. But since the magistrat dominates the council to a large extent and seldom runs counter to the purposes of the state, its independence of action from a practical standpoint can hardly be questioned. Its preparation of the budget in practically its final form and likewise of most of the resolutions of the council, stamps it as the important legislative organ of the city; its virtual monopoly of administration functions leaves it the undisputed leader in this field; and its share through the election of the city committee in the judicial problems of the government constitutes it an important participant in this field of activity.

Apart from those functions which are performed with the co-operation or sanction of another agency of government, the magistrat is empowered to undertake any other enterprises or make any changes which are not contrary to existing laws or which do not involve additional expenditures. This enables it to exercise considerable freedom over two important fields, the dismissal of employees\* and the internal organization of departments. The latter also involves the use of employees. It gives the magistrat the right when occasion arises to shift employees from one service to another to meet the changing needs of the season.

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\*See Chapter 7 for further civil service regulations.

## CHAPTER V

## THE MAYORS OF FRANKFORT

Reference has already been made to the appointment of the mayor by the king from three nominees submitted by the city council. No qualifications for the candidates are stated in the laws and ordinances, but the requirements of the office and the demands of the city are sufficiently clear to lead the council to nominate none but experienced and well-equipped administrators.

This is indicated from the three elections which have occurred up to 1912. The first mayor, who was chosen in 1867 and served until 1880, was Dr. Daniel von Schwarzenstein. Previous to his election he was a senator under the form of government of the free city. From 1868 until his death in 1890 he was also a member of the Prussian House of Lords. The second mayor was Dr. Johannes Miquel. His previous administrative service had been gained as mayor of Osnabruck City, and from 1883 forward he also served as a member of the House of Lords. His capacity as an administrator is further indicated by the fact that on leaving the post of mayor of Frankfort, he became Minister of State and Finance in the Prussian Cabinet. Dr. Franz Adickes, mayor of Frankfort from 1891 to 1912, previously served for four years as assistant mayor of Dortmund, six years as assistant mayor and eight years as mayor of Altona-on-the-Elbe. From 1891 he likewise was a member of the House of Lords.

## THE MAYOR'S POWER

The position of the mayor as a representative of the state and also as chairman of the magistrat has already been described. The authority which he exercises in these capacities is sufficient to give him the place of first importance in the city government. But this place becomes much more important by reason of further power granted him in Sections 65 and 66 of the charter. The former states that the mayor shall "direct and supervise the administration as a whole"; the latter that he shall appoint the chairmen of the various city deputations. Especially in view of the important functions exercised by the chairmen of deputations, the combination of authority here granted places enormous power within the reach of the mayor. Obviously he may concentrate in the hands of his favorites in the magistrat the chairmanships of the most important deputations. On the other hand he may

overlook in his appointments those members of the magistrat who are not in accord with his policy, or whom, for other reasons, he wishes to exclude from an active participation on the government.\* Or, if he wishes, he may retain the choicest places for himself.

As a matter of fact, a strong mayor does retain a great many such posts, especially in the field in which he is particularly expert. Mayor Miquel, for instance, was a financial expert and he chose to lead most of the deputations concerned with this subject. On the other hand Mayor Adickes, his successor, was an *entrepreneur* on a large scale and reserved for himself the chairmanships of all important deputations concerned with the great building enterprises of his administration.

On the whole, however, it is the custom of the mayor to assign, without favor, the various members to the positions for which they are best equipped, and he maintains for himself, besides the places of his particular specialty, such others as he is able to administer without prejudice to the requirements of good government.

In 1912 there was a total of 72 deputations of all kinds in the government. Of these Mayor Adickes was chairman of 29, or about thirty per cent. These deputations, with the number of meetings per year, were as follows:

Name of Deputation, or Subject Concerned	No. of Meetings per year
1—Tax Revision .....	1
2—City Officials† .....	52
3—City Secretary's Office‡ .....	
4—City Committee (concerned with relations with the higher authorities)† .....	6
5—Alignment Commission .....	6
6—Examination of School Building Plans.....	4
7—Medical Institute .....	3
8—Academy for Social and Commercial Science (Frankfort University) .....	4
9—Students' Foundation .....	2
10—State Machine—Building School†.....	4
11—City Library‡ .....	
12—City Archives‡ .....	

\*On one occasion this happened when the council elected to the magistrat a member whose ideas, in the judgment of the mayor, proved to be too socialistic.

†The mayor is only the nominal head of these institutions, as the active direction of affairs is in each case transferred to the vice-chairman or director.

‡The mayor is the magistrat's special representative (*Deputierter*) in the government of these institutions and sits in consultation with the directors as often as the business requires.

13—Art Funds Administration .....	3
14—Art Gallery .....	3
15—East Harbor .....	24
16—Water Supply .....	6
17—Development of Markets† .....	6*
18—Unemployment .....	6
19—Health .....	1
20—Food Scarcity† .....	6*
21—Workmen† .....	8*
22—Jugel Foundation .....	2
23—Speyer Foundation .....	2
24—Victoria Foundation .....	2
25—Braunfels Foundation .....	3
26—Rothschild Foundation† .....	4*
27—Incorporations .....	
28—Incorporation burdens† .....	1*
29—Exhibits and Celebrations .....	

An American writer on European municipal institutions has said\* that the office of the German mayor cannot be spoken of as a separate "department"; also that the German mayor occupies a position more important than the English but less important than the American incumbent of that office. However true these estimates may be for other cases, it must be stated in connection with Frankfort that at least Mayor Adickes occupied a position more independent and conspicuous than either council or magistrat, and that his influence and authority in the city government exceeded that of most American mayors.

But in explanation, it should also be said that Mayor Adickes was an exceptional man. He was Frankfort's greatest mayor and in fact, for many years the leading municipal administrator of Germany. He possessed both the vision of a statesman and the trained ability of an expert. He always saw things on a large scale and shaped his projects accordingly. He then supplied the city with the impulse and enthusiasm necessary for their consummation. The result of his policy was to increase the city budget from \$3,000,000 in 1891 to \$14,000,000 in 1912, and eventually to call forth the resistance of the taxpayers. This resistance, however, was not deep-seated and passed away as the benefits of his many enterprises came to the surface.

The field of the Mayor's activities covered many interests, which will only be outlined in this connection. They began with a rebuild-

\*Munro, *The Government of European Cities*, pages 183, 184.

†The mayor is only the nominal head of these institutions, as the active direction of affairs is in each case transferred to the vice-chairman or director.



ing of the streets and thoroughfares, which still bore the aspects of medieval construction and were inadequate to meet the demands of the modern city. This involved radical changes in the outlines of the ancient town, but the renovations were made with as much regard as possible to historical features. Two important thoroughfares which were constructed at this time are the *Goethestrasse* and the *Ringstrasse*, the latter encircling the inner city and connecting the two most important railway stations of the city.

The reconstruction of streets was followed by the restoring of the old Main Bridge, built in 1407, so that while maintaining its medieval architecture it is fitted for modern traffic.

Other important building enterprises included the construction of the new city hall connecting and architecturally harmonizing with the old Romer Rathaus; also the municipal hospital and most important of all the new East Harbor. This harbor, supplementing the old West Harbor built in the eighties, was completed in 1912, at the cost of approximately \$17,000,000. It has an area of 99 acres, with 8.7 miles of quay walls, 109 acres of surface for storing, 140 acres on the waterfront and 497 acres not on the waterfront available for industrial purposes. This harbor supplies Frankfort with the facilities for handling all traffic from the Main and Rhine Rivers, which amounted in 1910 to about 1,800,000 tons.

The street reconstructions together with the rapid growth of the city under Mayor Adickes led to the necessity of adopting a definite land policy. As a result, in 1903, the state government passed the famous "Lex Adickes," a law drawn up by the mayor outlining a new method of land administration, whereby the adjacent holdings of different owners are temporarily taken over by the city, improved in the matter of streets, sewers, water and lighting facilities and then returned to original owners. This scheme has been applied in Frankfort and copied by other cities with much success. Later in 1907, at the instigation of the mayor, Frankfort was the first city to adopt the increased value tax on land.

Finally the mayor was responsible for the adoption of progressive salary schedules and pension systems for the civil employees of the city; and as a crowning point in his career succeeded in founding the Frankfort University, the buildings for which were completed in the last years of his administration. Through this institution he sought to give Frankfort "an extra competing force in the culture of German cities."



## THE ASSISTANT MAYOR

The assistant mayor has comparatively little share in the planning of great enterprises or the leadership of the community. But as the mayor's assistant his functions are by no means meager. In the absence of the mayor, he acts as the latter's representative and spokesman in magistrat or deputation sessions, and in any other situation that may arise. Moreover he is assigned by the mayor to the chairmanship of several important deputations. In 1912, these assignments included the following:

- School deputation
- Board of trustees for higher schools
- Construction and industrial school board
- Account bureau
- Bequests deputation

The assistant mayor was in addition vice-chairman of the administrative commission for art funds and the city secretary's office, and a member of the East Harbor commission.

Of the four assistant mayors who served the city between 1867 and 1912 the first three were natives of Frankfort and the last of Wiesbaden. The first was Dr. Karl Berg. He, like the first mayor, had served previous to his election in the Senate of the free city. His successor was Dr. Karl Haussenstamm. He held office from 1880 to 1899. During the years 1873 to 1880 he had been chairman of the city council. He was followed in the office of assistant mayor by Dr. Konrad Varrentrapp, who had been from 1871 to 1880 director of the city secretary's office, and from 1880 to 1899 a paid member of the magistrat. After serving seven years he retired, and his place was filled by Otto Grimm. Previous to his election he acted for six years as a *Landrat* or chairman of the Circle Wiesbaden. From 1880 to 1906 he was a paid member of the Frankfort magistrat.



## CHAPTER VI

## THE CITY SECRETARY'S OFFICE

## GENERAL DESCRIPTION

The city secretary's office, or *Stadtkanzlei*, is the business office of the magistrat and a sort of composite private secretary for the whole administration. The director, or "city secretary," has charge of all secretarial work in the magistrat meetings and acts as business manager for this body. He relieves the magistrat of much of the routine work ordinarily taken care of in deliberative assemblies by special committee organization. His office also is a clearing house for all sorts of clerical work and governmental routine coming from the various departments and constitutes in addition a research, editorial and drafting bureau for city business.

To carry out its functions the city secretary's office is divided into seven bureaus and employs about 85 men. This somewhat extensive organization, however, is a matter of recent development. The office began its history in 1869 without special organization, employing less than a dozen men. The actual work was in charge of a director who was responsible to the mayor. The functions were simple, involving for the most part the care of the communications and accruing documents of the administrative board or magistrat and the mayor.

The development of the office came with the growth of the city. By 1900 the enlarged demand upon the secretary's office had crystallized this branch of the administration into a well organized department of four bureaus: civil service and secretarial, clerical, accounting, and registration and correspondence. By 1904 further demands made it necessary to add two more bureaus: magistrat's writing room, and messenger service. Two years later the seventh and final division was created—the book and document binding bureau.

As the names of these various bureaus suggest, the work of the office during these years of development became identified with the essential elements of a German city administration—that is, with the complicated features of administrative routine. In this capacity the city secretary's office performs three functions, which will be considered in turn.

## CLEARING HOUSE FOR ROUTINE

The first and most striking function that the office performs is to act as a general clearing house for intra-governmental routine. Or-

dinary clerical operations, which in most cities are carried out separately in the various governmental departments, are in Frankfort centralized in the city secretary's office. Specifically under this head come the handling of government mail. Every parcel of governmental mail of whatever nature is delivered first of all to the city secretary's office and is received by the bureau of messenger service. That part of it which is expressly addressed to a particular department is immediately delivered by the messenger service to that department. All other mail is turned over to the registration and correspondence bureau, which opens and classifies it, and with the aid of messenger service, delivers that part of it about which there is no question as to appropriate destination. The remainder (about 50 per cent. of all mail) is turned over to the city secretary himself who answers about half of it on his own authority and refers the remainder to the mayor, or through the mayor, to the magistrat.

In a similar manner the city secretary's office disposes of all official documents. Legislative proposals, amendments, departmental reports, and all other official papers which naturally come to the magistrat, as the most important arm of the city government, are sent first of all to the city secretary. It is his personal duty to examine them as to form and substance, make necessary corrections, and set them up as the "orders of the day" for the magistrat's meeting.

Further, under the "clearing house" function may be cited the work of the magistrat's writing room. The writing room is a central office to which all city departments go for official letter writing and multiple printing of circular letters and notices. Although not the most important bureau of the department, it employs twice as many men as any other, having a force of forty employees including a director and two assistants, a clerk of the bureau, four lithographers, and thirty-two typists. The administrative procedure followed by the writing room is so typical of that of the whole department that it is perhaps worthy of somewhat detailed description.

In the first place, whenever a department wants a letter written it sends a copy of the same either in long hand or shorthand to the writing room. Here it is stamped to show the exact time at which it was received. Next it is entered in a book of record recalled the *Kontrolle*, and the following data are recorded: date of receipt, department for which work is to be done, number of pieces, short description of contents, and name of typist to whom the draft is now submitted for writing. Upon finishing the work, the typist signs his name to the draft and submits the original and the finished copies to one of the two

assistants to the director, whose business it is to inspect the finished work. If he finds it satisfactory, he signs his initials at the bottom of the original draft and then records these further data in the *Kontrolle*: the time at which the material was returned by the typist, number of half sheets written or time consumed for the work and the proof-reading, and any remarks that are necessary. The finished work is then sent on through the messenger service to the department for which it has been done.

This is the procedure for writing single letters. For multiple printing and lithographic work it is much the same. The form of the work, in all but special cases, is determined by ordinance specifications. Payment is made monthly to the city secretary's office by the various departments, and the prices for different kinds of work are likewise determined by ordinance.

From the standpoint of efficiency of the service, the work of every employee is carefully guarded and measured. This is accomplished largely through a system of reports. The typist who receives a piece of work must record in a special report folder or "assignment book" the following facts: the time at which he receives the matter, department for which he writes, identification number of the letter or document, time at which he returns it to the inspector, and number of half sheets written or the time consumed. In addition to these items there must also be recorded a certification by another clerk as to the correctness of the statement. At the end of each week these facts must be summarized in a report in accordance with the specifications of the city ordinance. This report becomes the first basis for the measurement of work. A week's report for the employee consists of five and four-fifths days, and each day the typist is supposed to deliver thirty-two half sheets of completed work. If he delivers more than this amount he is awarded extra pay; if less, he is reprimanded or perhaps dismissed. In either case it is essential that the exact amount be recorded. In case the employee's work is such that it can be measured only by time, as is true of much of the lithographer's work, then the employee must fill out a special blank which includes an equation method of transforming time into half sheets.

At the end of every month the facts of the weekly reports are summarized into a monthly report, the relevant facts of which are in turn transferred to a general statement for the entire bureau. It is upon the basis of this last statement, drawn up in accordance with an ordinance classification, that salaries are paid. Before this statement is sent to the finance department, however, all employees to whom

money is due are required to sign their names opposite the amounts accorded to them. The statement is then recorded by the accounting bureau of the city secretary's office and from there sent to the finance department where it is recorded in a similar manner. Finally when the finance department is ready to make payment, one clerk from the writing room is sent to the department. He signs a certificate for the receipt of all moneys and then delivers to each employee the amount which is due him.

It is natural that the department which handles official documents and correspondence should be occupied also in preserving these materials. The office, through its document and bookbinding bureau, for instance, puts into permanent form the copies or the originals of correspondence, minor reports of committees, and stenographic or typewritten memoranda of all official conversations and interviews. This branch of the service employs fourteen book and document binders. The civil service and secretarial bureau, employing six men, administers the magistrat's special library of documents and reports, as well as the circulating library of books of governmental and local interest. It is the custodian of the official "book of ordinances" (*Bürgerbuch*), and a book of record for all resolutions and actions of the magistrat's deputations and commissions. It also gathers and files for reference copies of speeches, magazine articles, and newspaper clippings on matters of particular governmental interest.

Finally, in connection with the clearing house function, the city secretary himself acts as the official recording secretary at magistrat meetings. In this capacity he becomes a confidential and authoritative center of information on all magistrat business. The secretary or one of his assistants acts likewise as the recording secretary at the meetings of the numerous magistrat commissions. Besides this work the office performs administrative duties for all special committees on celebrations and municipal entertainments, the insurance commission, the general commission on charity, and aid institutions, the art museum commission and the commission on the historical development of the city.

#### CIVIL SERVICE FUNCTIONS

The second general group of duties performed by the city secretary's office may be summed up under the head of "civil service functions." Frankfort's civil service is regulated by both state laws and municipal ordinances. A commission on civil service examinations and another on courses of study for employees are appointed by the magis-



trat. But beyond such duties as the actual hearing and passing upon the examinations and the teaching of the courses offered, the city secretary's office performs all the routine work involved. It receives and answers inquiries concerning positions and employment, furnishes the somewhat elaborate blanks which are required to be filled out by applicants, examines these blanks on their return, accepts or rejects them as they measure up to requirements, and then arranges with the applicants for the time and place of their examination. In the examination itself the office has charge of similar routine duties, leaving no more work to the examination commission than is necessary to the exercise of its judgment as to the fitness of the candidates. But it should be added that the director of the civil service and secretarial bureau is also one of the five members who constitute the examination commission referred to above. Consequently the city secretary's office is represented on the side of policy as well as that of administration of the civil service.

The secretary, through the different bureaus of his department, is also responsible for the following civil service functions: furnishing of necessary information upon which grades of compensation are established, securing proper publicity for the classifications determined upon, verification of the employment budget and city payrolls, and administration of accident and sickness insurance funds for city employees as well as widow and orphan moneys. Since insurance is such an essential factor in the life of the German citizen, this last operation constitutes an important service of the secretary's office.

#### EDITORIAL WORK AND DRAFTING

The third, and from the standpoint of governmental policy, the most important function of the city secretary's office, is editorial work and legislative drafting. It was pointed out above that all governmental mail passes through the central office and that the secretary himself answers about one-fourth of it, and exercises some discretion in disposing of the remainder. This is an incidental authority, but it is none the less important; it is likewise exercised in the matter of official documents. The government is scrupulously careful about the form of its official utterances and communications, and the advantage for this purpose of having a central expert under whose inspection all such matters come is obvious. The gain is equally clear of having a central figure whose relation to the entire legislative and administrative activities of the city is such as to constitute him a competent

critic of ill and well-advised proposals. The practical effect of his activity is seen in the fact that less than 6 per cent. of the legislative proposals that reach the magistrat are rejected by that body.

An examination of incoming documents shows that on an average 60 per cent. of such matters are reports from the city departments and other reports from committees and citizens sent in at the request of the magistrat. These reports are made out on forms furnished by the secretary's office or provided by the department itself. The city secretary, in transmitting them to the magistrat, does not alter their substance; he sees to it, however, that they are in proper form and classifies them to facilitate logical consideration. The remaining 40 per cent. of the documents are matters of initiative and original suggestion, and as such require more careful attention. About one-fourth of these are not acted upon by the magistrat at once but are made subjects of research and investigation by the secretary's office, or through this office, by technical experts, as the case may require.

As stated above, the secretary or one of his assistants acts as the recording secretary at magistrat-committee meetings. In this capacity the office writes up the minutes of such meetings and thus furnishes much of the material which constitutes the reports of these bodies. It performs similar functions for the *Stadt-Bibliothek* and the *Stadt-Archiv*, it writes all reports and recommendations of the commissions on aid and charity institutions and on hospitals; and lastly, it puts into final form for the consideration of the magistrat, the annual budget proposals of the finance department and all reports pertaining thereto.

These operations of the city secretary's office relate to documents coming to the magistrat from outside sources. But a similar practice is followed in regard to those issuing from the magistrat. As is true of the incoming material, much of that which goes out is also of a routine nature and concerned with frequently recurring matters. To facilitate the handling of such affairs, printed forms, known as *Akten* or *Protokolle*, are provided. These are filled out by the secretary's office and sent to their proper destination in accordance with directions from the magistrat. For some matters the forms are very complete, requiring the addition of only a few words; for others, they consist merely of an outline. Among the items for which they are used, the most common are formal announcements from the magistrat to the city council and notifications to individuals concerning election to office, appointments, pensions, and contracts.

Work requiring somewhat more initiative and discretion on the part of the secretary's office is that of investigation and research in connection with legislative proposals coming from the magistrat or from individual magistrat members. In this connection the secretary, assisted by three officials from the civil service and secretarial and the clerical bureaus, prepares briefs and signs the resolutions of the magistrat and magistrat-committees, and drafts the magistrat's reports, communications and statements.

Besides the actual work of composition, this involves ultimately the editorship of four publications. The first of these is the report of the magistrat to the city council. This report is concerned with the immediate affairs of government about which the magistrat thinks the council must or ought to be informed. It is issued whenever such matters arise, which experience shows to be about six times a month. The nature of the reports varies. Sometimes they are mere reproductions of ordinances passed by the magistrat; at other times they are paraphrased accounts given by the secretary on the magistrat's procedure on a certain point. Sometimes they constitute pamphlets of twenty or thirty pages; at others they are only single sheets of one hundred words or less.

The second publication edited by the city secretary's office is the *Anzeige-Blatt*, a semi-weekly official announcement by the government to the people. It is concerned with those matters about which the magistrat decides there should be publicity. A copy taken at random, for instance, includes on the first page a notice to merchants and another to manufacturers requesting the proper observance of the occasion of the Kaiser's expected visit. On the remaining dozen pages of the bulletin are found such matters as announcements of births, deaths, marriages, and engagements, notices from the magistrat and several of the city departments on matters relating to streets, municipal rooming and apartment houses, the city pawnshop, and the Romer Rathaus.

The third and fourth publications edited by the secretary's office are, respectively, the annual report of the magistrat to the city council (*Jahresbericht*) and the official book of ordinances (*Bürgerbuch*). The former is a comprehensive volume of some 450 large-sized pages, presenting a careful review of the entire activity of the government for the year. It is compiled from detail reports from the various departments, bureaus and commissions, with a general introduction by the mayor. The latter is a compilation of all the laws and ordinances governing the city, which are subject to constant changes and are pub-

lished in book form annually or biannually. The complete revised copy constitutes a book of 974 pages.

The three general functions which have been sketched above are obviously of sufficient importance to bring the city secretary's office into considerable prominence in city affairs. It remains to speak of one further activity which illustrates its unique and pivotal position. The city secretary's office stands literally at the door of the city government; it is the administration's "outer office." If a visitor or citizen wishes to interview the authorities of Frankfort he is directed first of all to the city secretary's office. And frequently he need go no further. If, however, the functionaries of this office cannot satisfy his needs, he is then escorted by one of the secretary's city messengers to a more appropriate authority. At all events, the city secretary holds the keys to the offices of his fellow officials, including even that of the mayor. It seems, however, that his responsibility is such as to prevent any despotic use of the power involved. In the position of official "hand-shaker" for the city government, he stands as a man of business ability, of tact, and of all-knowledge on city affairs; the city secretary is probably better acquainted with the details of Frankfort's administration than any other city official, not excluding the mayor.

## CHAPTER VII

## ADMINISTRATIVE ORGANIZATION

For purposes of description the principal organs of permanent administration in the Frankfort government may be grouped into ten general divisions. These are as follows: general administration, finance, public works, land administration, commerce and industry, military affairs, education, social welfare, statistics and health.

## GENERAL ADMINISTRATION

The general administrative organs are, besides the magistrat itself, the city secretary's office and the city committee. As both of these institutions have already been described, it is unnecessary here to dwell upon them further. The business of the former is administered by a director under the supervision of the mayor, with the rank of "city secretary," and that of the latter by a civil service official under the city committee of which the mayor is chairman.

## FINANCE

The second group of administrative departments, or those concerned with finance, include the finance department proper and the auditing bureau. The finance department is composed of five bureaus, three of which are concerned with the collection of taxes, one with the administration of special treasuries of the city, and the other with the collection and correlation of material for the annual budget. One of the tax administration bureaus also takes charge of drawing up the citizens' lists and the voters' lists for all elections. The finance department is governed by a deputation of five magistrat members; the duties of active supervision are divided between the chairman and the vice-chairman. The auditing bureau, the functions of which are indicated by the title, is managed by a director of audits, under the supervision of the assistant mayor.

## PUBLIC WORKS

Public works, the third group of departments, include underground construction (*Tiefbau-Amt*), above-ground construction (*Hochbau-Amt*), electricity and railways, and the building police. The names of the first two departments indicate somewhat the nature of



their work, but by no means comprehend all the activities undertaken. The department of underground construction is organized into twelve separate bureaus, as follows: central administration of the department; city and building extensions; bridges, harbors and garbage disposal; comfort stations; water, gas and lighting; city surveying; technical machinery; materials; motor and other vehicles; canals; street cleaning; and stoop lines. The department is supervised by a deputation consisting of four magistrat members, one councillor and two citizens. The *Hochbau-Amt*, or department of above-ground construction, is composed of bureaus covering the following fields: the care and inspection of most of the municipal buildings; building enterprises for the same; building needs; city gardens; telephones; buildings; alarm systems, etc., for the fire police; and the care of public clocks.

The electricity and railway department is supervised by deputation of three magistrat members, two councillors and two citizens. It administers two electric plants and has charge of the street railways, the forest railway and the railways connecting the city proper and the suburbs incorporated in 1910.

The building police service, under the supervision of a single magistrat member, examines building plans and enforces methods of construction in accordance with the requirements of the state laws and regulations.

#### LAND ADMINISTRATION

The land administration of the city is carried on from the office of the city chamberlain and includes the management of the forests and lands owned by the city, and the care of the Römer Rathaus. The governing deputation is composed of three magistrat members and four city councilmen.

#### COMMERCE AND INDUSTRY

The departments in the field of commerce and industry are the industrial and merchants courts, the harbor commission, and the department of commerce and industry proper. The industrial court, founded for the purpose of handling disputes between employees and employers, is divided into three branches, each for the consideration of different kinds of cases. At the head of each branch stands a *Magistrat-Syndicus*, who is assisted by a *Magistrat-Assessor*. The procedure and jurisdiction of the court is fixed in part by state laws, but the court



is an institution of the city, not a part of the state judicial system. The six *Syndici* and *Assessors*, headed by a member of the magistrat, constitute the governing deputation.

The merchants court, which hears cases between tradesmen and their clerks and apprentices, is organized and governed in the same way, with the exception that there is no magistrat member in the deputation.

The harbor commission, composed of two members of the magistrat, one city councillor, and two citizens, is the body constituted for the government of the Main harbor, the warehouse connected therewith and the harbor railway.

The department of commerce and industry is supervised by a deputation of two magistrat members, three councilmen and one citizen. The organization of the department includes market police and general market administration, public weighing places, and the slaughter house and cattle yards, lawns and plots, general, commercial and industrial affairs, and sickness, invalid and accident insurance.

#### MILITARY AFFAIRS

The city's participation in military affairs is limited to the quartering of soldiers and the care of soldiers' families, which have already been discussed in connection with the military commission.\*

#### EDUCATION

The educational affairs of the city were also taken up in part in connection with the state government.\* For school purposes the city has three governing boards, the *Kuritorium*, the *Schuldeputation*, and the *Vorstand*. The first of these is the board of trustees for the higher schools. It includes the assistant mayor as chairman, and as members two more representatives from the magistrat, three from the council, two ministers, a priest, and a special school commissioner. The second has charge of the elementary schools; it is also headed by the assistant mayor and includes in its membership two members of the magistrat, two from the council, similar representatives from the church, the school commissioner, the city physician, and five school officials and teachers. The third board has charge of a compulsory continuation school, a commercial school and an industrial school. The board like-

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\*Chapter II.

wise has the assistant mayor as chairman, and is composed otherwise of three members of the magistrat, two councilmen, and ten others.

The other educational institutions of the city are the city library and the city archives, each administered by a special director under the supervision of the mayor, the ethnological museum, and the commission for art objects and antiques. The museum is administered by a deputation of two magistrat members, a councilman, and four others. The commission, entrusted with the supervision of many of Frankfort's art treasures, is composed of two magistrat members, two councilmen, and four others.

### SOCIAL WELFARE

The agencies for social welfare in the government are the orphans and poor board, the employment bureau, the pawnshop, and the savings bank. The orphans and poor board is the largest governing deputation in the city, having a membership of 26, besides 12 alternates. The business of the board is the general administration of poor affairs for the city and the provision in particular cases of relief for orphans and poor not cared for by other institutions. By agreement with certain eleemosynary institutions of the city it supports a given number of needy children who are recommended by the authorities of these institutions. It also makes a continual study of the situation of the poorer classes and renders yearly reports to the magistrat on the same. It performs much of its work thru the district directors and local poor directors, but in addition it employs 60 permanent civil service officials at an annual cost of about \$50,000.

The pawnshop is a municipal institution much patronized by the poorer classes to cover temporary financial stringencies and is also made use of by many for securing long-time loans. It is managed by a director, who is supervised by an "overseeing commission" (*Aufsichtskommission*) of four members. Two of these are magistrat members, one a councilman, and the other an expert auditor.

The city savings bank is patronized by about 40,000 people, with a total in deposits of approximately \$7,000,000. It is governed by a deputation of three members from the magistrat, two from the council and two citizens.

The employment bureau, which is carried on under state laws, operates as a general employment agency for all lines of work. In addition, it gathers information for the state on conditions of employment, and must be particularly active in furnishing workmen on the

occasion of strikes or lockouts. Its deputation consists of two magistrate members and six citizens, three of whom must be employers and three employees.

## STATISTICS

The last two divisions into which the city's institutions may be classed are those of statistics and health. The former comprises the department of vital statistics, which has already been described in connection with state functions which are administered by the city, and the bureau of city statistics. This bureau is under the supervision of a single member of the magistrat (*Magistratsdeputierter*). Its work covers the field of population and other general statistics as well as special and detailed statistics for various institutions and departments of the government. It stands as a central agency for the information of officials and the general public on all enterprises of the government. In 1903 and again in 1912 it issued an elaborate statistical atlas (*Graphisch-statistischer Atlas*) presenting in graphical form the main activities of the city.

## HEALTH

The departments and institutions of the city which are concerned with the problems of health are as follows: office of the city physician, institutions deputation, hospital for insane and epileptics, bath commission, and the department of cemeteries. The office of the city physician is a clearing house for general matters of health administration. It does not comprise from an administrative standpoint all other departments concerned with the subject of health; but the city physician, as director of the office, and as representative of the magistrat acts in the capacity of expert adviser in all matters of health administration. He is an ex-officio member of the orphans and poor board and also of the institutions deputation. He superintends the medical inspection of school children and himself examines teachers and city officials.

The institutions deputation, in addition to the city physician, is comprised of two members of the magistrat and three others, at least one of whom must be a councilman. Its field of activity is the administration of two general city hospitals, the city poorhouse and a confinement hospital.

The hospital for insane and epileptics is administered under a special board of two magistrat members, and three others, one of whom must be a practising physician of good standing. The costs of this hospital are met for the most part by revenues from its own properties, contributions from churches, and fees. Deficits only are paid from city funds.

The bath commission is composed of seven members. Three of these are from the magistrat, one of whom must be the head of the department of above-ground construction. Two are city councilmen and the other two citizens. The city physician and the chief building inspector may be invited to meetings of the commission and otherwise consulted. The work of the commission consists in the drawing up of regulations and the general superintendence of the bathing institutions of the city. These institutions are: one bath house with three large pools, three public baths with showers and tubs, and one bath house for river bathing.

The department of cemeteries is governed by a deputation of eight members, two of whom are magistrat members, two councilmen and four citizens. The business of the deputation is the enforcement of the municipal ordinances in regard to the care and use of the city's six public cemeteries, and the supervision of employees connected therewith.

## CHAPTER VIII

## CIVIL SERVICE

## LAWS GOVERNING CIVIL SERVICE

Civil service in Frankfort is regulated by both state laws and municipal ordinances. The basic state law on the subject, that of July 30, 1899, applies to all Prussian municipalities. Being somewhat general in nature it needs to be supplemented by local rules and regulations making it applicable to local conditions. For this purpose Frankfort has adopted more than a dozen ordinances covering various aspects of the subject.\* These ordinances have standardized the entire civil service by fixing salary classifications and determining methods of promotion from one grade to another. They have also fixed the machinery for the administration of the civil service.

## ADMINISTRATION

This machinery has already been described in part in connection with the city secretary's office. This is the agency which takes charge of most of the clerical and routine work connected with applications for employment, examinations and promotions. The magistrat's representative who exercises authority over individual applications and to a certain extent over promotions and salary increases, is the city employment official, or *Magistrats Dezernent*. He is a member of the magistrat chosen especially to exercise supervision over the entire civil service. The authority which draws up examination questions, conducts examinations, and makes recommendations for promotion—after consulting certain other appropriate authorities, as will be noted later—is “the magistrat's commission for the examination of city officials,” or more briefly, the civil service commission. This commission consists of a chairman and one other member chosen by and from the magistrat, and four city officials also chosen by the magistrat. All recommendations of this commission, before they go into effect, require the sanction of both the magistrat and the city council.

## EMPLOYEES COVERED

The civil service regulations extend to all departments of the government and to practically all classes of employees and officials.

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\*March 23, 1906; April 1, 1909; June 22, 1909; August 2, 1910, etc.

Those only who are excepted are councilmen, magistrat members, a few of the higher technical and scientific employees, and the mayors. The total number of employees in the civil service, including teachers, is approximately 8,000. Of this number about 1,500 are permanently appointed employees whose names are listed in the annual budget, 1,800 are teachers, and the remainder are either temporary employees who are seeking a permanent appointment, day laborers, or other employees temporarily engaged.

### CLASSIFICATION

The "permanently employed" group is classified on a salary basis. The divisions of the classification, the numbers of employees in each class, the range of salaries, and the titles or occupations of those falling in the various classes are as follows:

#### CLASSIFICATION OF PERMANENT CIVIL SERVICE EMPLOYEES

Classes	Number employees per class	Range of Salaries	Titles or Occupations
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In explanation of this chart, it may be said that the magistrat may, with the consent of the council, make appointments for life for the positions in Classes IIIa, III, and IV. This has been done in some cases. Most of the employees, however, hold their positions on a contract with the magistrat providing for a notice of from one to six months for dismissal or retirement. In case of dismissal the notice must be given by the magistrat in any class down to and including the fourth. In practice, dismissal of a classified employee before the age of pensioning is rare. Resignations sometimes occur, but the purpose is generally to accept a better position in another city.

### PRELIMINARY TRAINING

One of the main reasons for the stability of the service is the fact that employees are not appointed to the permanent classified positions until they have shown the desire and the ability to serve the city well in a permanent capacity. In order to prove this they are subjected to a preliminary training as government apprentices for a considerable length of time. This training varies both in the length of time and in the procedure followed for different kinds of service. As a representative example, however, the office, bookkeeping and treasury service may be cited. This service is for the most part clerical in nature and involves problems common to all city governments. It will therefore be described in some detail in the following pages.

The employees of the office, bookkeeping and treasury service who are seeking a permanent appointment and who may therefore be classed as apprentices, are as follows:

A. *Anwärter*. These are employees in the first stage of apprentice service. There are two divisions of this class:

1—*Civil Anwärter*. These are apprentices who have come from civil life. They are divided according to their education into:

a—*Supernumeräre*, or apprentices who have had a higher scientific education; and

b—*Beamtenanwärter*, or apprentices who have had only a public school training or who possess a one-year military certificate

# CLASSIFICATION OF PERMANENT CIVIL SERVICE EMPLOYEES

Classes	Number employees per class	Range of Salaries	Titles or Occupations
Ia	25	\$1500-\$2325	Directors of bureaus, or office, building and school inspectors.
I	31	\$1250-\$1950	Hospital administrative director, tax inspector, director of audits, other directors and inspectors
IIa	12	\$1175-\$1800	City building masters, veterinary for slaughter house
II	50	\$1100-\$1700	Building masters, over-city secretaries, architect, chief of office, librarian, scientific assistant, engineer, chief of bureau, city over-land surveyor
IIIa	45	\$875-\$1450 (with \$35 to \$80 per year extra for the provision of children)	Building police, assistant veterinary, electrician, engineer, land surveyor, building superintendent
III	161	\$775-\$1325 (with extra allowance as above)	Building police assistant, city secretary, building master, harbor master, engineer, building secretary, building superintendent
IV	335	\$575-\$1125 (with extra allowance as above)	Over city-assistants, technicians, building controller, telegraph operator for fire department, chief of city messenger service
V	473	\$550-\$875 (with extra allowance as above)	City assistants, building controller, administrator of cemeteries, overseer of cattle yards, overseer of harbors, telegraph operators for fire department, foresters
VI	100	\$475-\$850 (with extra allowance as above)	Machinist, office attendant, lighting overseer, helpers, servants
VII	17	\$400-\$550 (with extra allowance as above)	Field police



2—*Military Anwärter*. These are apprentices who come from military life. They must possess a military certificate which entitles them to civil sustenance. Such a certificate is usually not given for less than twelve years of military service

B. *Diätar*. These are employees in the second stage of apprentice service. They may be divided into:

1—*Office Diätar*, who have been promoted from the first stage of apprenticeship as the result of practical ability as demonstrated in their work; and

2—*Examined Diätar*, who have been promoted as the result of theoretical study and examinations in addition to practical experience

Any person wishing to secure a position either as a civil or military *Anwärter* notifies the government and receives in reply from the civil service division of the city secretary's office a statement of qualifications and credentials necessary for employment. A civil *Anwärter* must be at least seventeen years old, but not more than twenty-five, and must have reached the next to the highest class in a nine-graded school, or have an equivalent education. He must have a good handwriting, be in good health, and have especially good hearing and eyesight. He must also be of good character, free from debt and able to support himself independently or with the assistance of relatives for at least three years. To these preliminary qualifications the magistrat may make exceptions if it sees fit.

Applications for positions must be made in writing and must be accompanied by the following documents:

1—Certificate of birth

2—A written statement of permission from parents or guardians in case of minors

3—An autobiography composed and written by the applicant

4—The applicant's last school certificate

5—Official or other credible certificates or papers concerning the applicant's previous occupation and conduct covering the time from the leaving of school to the filing of the application

The military *Anwärter* must have a legible handwriting, be in good health, and be able to demonstrate his ability further by passing a written and an oral examination given under the direction of the city employment official (*Magistrats-Dezernent*). This examination covers the subjects of arithmetic and grammar, and touches upon the Imperial and state constitutions and organizations, and sometimes the laws and functions of the municipality. Applicants who have a knowledge of stenography are preferred. Applications must be accompanied by documents similar to those presented by the civil *Anwärter*.

All applicants must either present a certificate of health from some government physician or undergo a physical examination by the Frankfort city physician.

All applications with the accompanying documents are examined and passed upon by the civil service division of the city secretary's office.

In case any of the papers are missing or unsatisfactory, the office notifies the applicant of the same and the deficiency is corrected, if possible. If the applicant's qualifications are then found to be plainly inadequate his case is dropped and his application papers are returned. Otherwise, when an opening occurs, his case among that of other applicants is considered by the city employment official, and if found satisfactory his name is listed among those to be accepted for service. For the civil *Anwärter*, the names are listed in the order of desirability, as far as this can be determined from their applications; for the military *Anwärter*, in the order of the receipt of their applications.

If the application comes from a military *Anwärter* it is possible to make the employment contingent upon a three months' period of probation for which there is no compensation. For such a case it is necessary for the city officials to secure from the military authorities a release of the applicant from military service for a stated period.

Upon entering the service an apprentice must pledge himself by handshaking to conscientious business dealings. He undertakes, however, no obligations to remain in the city service, and the government on the other hand reserves the right to dismiss him at any time without previous notice.

The decision as to where the apprentice shall begin his employment rests with the city employment official. He places him, if possible, in a department where the need is greatest and the employee at

the same time can secure the most benefit. The employee remains in this department from six to nine months. During this time he receives constant instruction from the various officials of the department. The instruction begins with a study of the various forms and papers in the department and throughout the government. This generally occupies two or three months. It is followed for about four months by a study of journals, records and files. Further instruction covers such matters as the filling out of orders, calculating and finance.

If during this period of instruction the employee shows himself unwilling to work, or lazy, he is at first reprimanded and if he takes no heed he is dismissed.

Two weeks before the end of the period for which he is assigned to the department, the head of such department—that is, the chairman, or vice-chairman of the governing deputation—sends the employment official a report on the ability and practical qualifications of the *Anwärter*. In this report is included also a written examination which has been given and graded by the head of the department.\*

If the report on the employee is satisfactory, at the end of his first assignment he is transferred to another department with the view of giving him a further and broader training. At this point a difference in procedure is followed for the *Supernumerär* than for the *Beamtenanwärter*. The former are better educated and prepared for more rapid promotions than the latter. Consequently, if the employee belongs to the first class, he is instructed only in such mechanical work and daily routine as is new to him. He is developed as rapidly as possible in the various functions of the department, and prepared for independent work.

If the employee belongs to the second class, he is instructed only in minor mechanical work and the daily routine of the office.

The apprentice period for the *Supernumerär* is three years, for the *Beamtenanwärter*, four years. The period for the military *Anwärter* varies somewhat, but is generally between two and three years.

#### THEORETICAL STUDY

Simultaneously with the practical preparation for advancement, the *Supernumerär* and also the military *Anwärter* take a theoretical

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\*This report is made on a special form arranged in such a manner as to provide for practically any notation which the head of the department may choose to make. The written examination papers for this examination as well as for all subsequent ones are filed in a special folder. All other matter concerning his ability, personal affairs, etc., are filed in a separate folder.



course of study. This is based on an educational program definitely prescribed by the magistrat. This program is carried out at the direction of one of the government officials who acts otherwise as an officer of the merchants' and industrial courts. The course consists of a series of lecture and discussion periods occurring twice weekly throughout the year with the exception of July and August when some of the meetings are omitted. The single periods occupy from one and one-half to two hours. The lecturers and instructors are various officials of the government in higher civil service positions. Each official has charge of the class for several successive periods during which the subjects of his particular specialty are covered. During the entire year there are twenty or more officials called upon to lead the class. The subjects discussed pertain to such matters as state and Imperial laws affecting the city, the Prussian state organization and local organization, local officials and the laws regarding them, Imperial, state and local fees and taxes, including their principles and methods of administration, the organization of the finance department and the savings bank, the budget and accounting methods of the city, administrative trials and procedure, civil and criminal law as it applies to officials and the government, real estate administration, federal insurance, and the organization and purposes of various city departments.

The law provides that only those who have taken this course of study may take the examinations for the higher positions. If an employee has taken the course and wishes to be examined for promotion he must secure a report from the head of the department in which he is then employed. If this official does not believe the employee capable of performing advanced work he may render an unfavorable report, whereupon the employee is denied the privilege of taking the examination and, consequently, securing the right of promotion. Otherwise, he is admitted to this, his first civil service examination.

It consists of three parts, as follows:

- 1—An arithmetic examination
- 2—A general written examination
- 3—A general oral examination

The last two parts of the examination are based somewhat upon the work covered in the courses of study and somewhat upon general problems of city government. A candidate, however, who is not able to pass the first part is denied the privilege of taking the others and hence the right of promotion.

These examinations are given by the magistrat's examination commission referred to above. But only three of the five members, one of whom is the chairman, usually sit for the examination.

The *Supernumerär* who successfully passes the three examinations is promoted within the first few days of the following month to the position of an *examined Diätar*. This is his second, or higher, apprenticeship. With the appointment comes an increase in salary. All examined *Diätar* are listed in a "time-service register" in the order of their grades in the examinations. This register serves later to determine the order in which those listed shall be advanced to the "permanently employed" positions.

Those who do not pass the examinations are held back for one year when they are given another opportunity. If they likewise fail in this examination, they lose their right to try again and must remain in minor clerical positions or are discharged from the service.

Upon reaching his twenty-fourth year, an examined *Diätar*, that is, one who has passed his examinations, is appointed in case of a vacancy to the position of *Stadtassistent* (city-assistant), or *Oberstadt-assistent* (over city-assistant). These titles do not indicate that the bearer holds a particular position in the government, but only that he has reached a certain grade in the city's civil service and now holds a permanent budgetary appointment. The city-assistant, as noted in the chart above, is placed in Class V and receives the salary thereof; the over city-assistant in Class IV and receives the corresponding salary.

After two but not later than three years he may request to be admitted to a second examination, provided that he has meantime continued his studies in the courses prescribed for this purpose.

The second educational program is carried on under the direction of the same man as the first; also the general plan and the subjects, altho fewer, are similar. But the study involves much more intensive work and the instructors are officials of more experience and higher standing in the government service.

An employee who takes this work and passes the examination following it, is then listed in a second time-service register for "city-secretaries." This register is also made out on the basis of the grades received in examinations and promotions are made accordingly. The position of "city-secretary" (Class III) in the civil service is the highest one to which promotions are made by examinations. Those who have reached this position and show exceptional ability are, when

vacancies arise, promoted to the position of *Oberstadtsekretar*, or over city-secretary (Class II), and finally to that of a chief or director of a bureau or office (Class I and Ia). This latter post is the final one which any civil service official may hope to obtain. In rare cases, however, the council has elected to the magistrat a director who has distinguished himself by extraordinary service. But this takes him outside the realm of the civil service proper.

#### BEAMTENANWARTER

The procedure followed by the *Beamtenanwärter* differs somewhat from that of the *Supernumerär*. The main difference lies in the fact that promotion comes not so much as the result of theoretical study as from practical ability as demonstrated in daily work. The *Beamtenanwärter* also pass from one department to another for the purpose of increasing their knowledge and efficiency. On the occasion of every change the head of the department makes a report on the employee's ability and sends this to the city employment official. At the end of about four years the *Beamtenanwärter* is promoted without examination to the position of an office *Diätar*.

After several more years of experience in this position he is promoted to the grade of *Stadtassistent*. Very frequently this is the end of his advancement. In the case of a very capable man, however, the opportunity is given, after five or six years, to try for the next higher position. Before this can be done the employee must have taken the prescribed course of study given for the *Supernumerär*. If he takes this course of study and passes the examination his name is listed among the others in the time-service register and he is in due time made an "over city-assistant." In rare cases he may be allowed to go on further to the second examination and become a "secretary," or even an "over-secretary." But because of his limited preliminary education it is difficult for him to fit himself for the advanced work of these positions and the promotion seldom occurs.

#### MILITARY ANWARTER

The procedure for the military *Anwärter* varies somewhat from that of both of the classes just described. As noted in the outline the military *Anwärter* is a man who has had considerable training in the army and is generally more mature than the other classes. Consequently, after a six months' period of introductory work he is ad-

vanced to the position of office *Diätar*. Two or three years later he is allowed to take the first civil service examinations and, if he passes, becomes an *examined Diätar* and is listed for appointment in a permanent budgetary capacity. The procedure from this point forward is the same as for the other classes described.

#### FEMALE OFFICE ASSISTANTS

A few female office assistants are also employed in the Frankfort service. The procedure for their employment is much the same as that for the ordinary civil apprentices. As their field is limited for the most part to minor clerical positions, it need not be described in detail in this connection.

#### TECHNICAL AND SCIENTIFIC ASSISTANTS AND EMPLOYEES

Technical and scientific employees of the government are hired directly by the departments, on consent of the magistrat. Their promotion is not regulated in the manner followed for the employees already described but according to the merit shown by the individual workers. An employee is first accepted in a more or less temporary capacity and then if he proves capable he is advanced to a permanent position. The departments keep no time-service records for these employees but advance them wholly on the basis of personal qualifications.

Frequently promotions to the highest positions of a technical or scientific character are not made from the lower ranks of the service but from candidates secured thru the medium of advertisements. In case an important and lucrative position becomes vacant, the department inserts in the technical journals an advertisement stating the qualifications necessary for applicants and the salary paid. The applicants are required to submit school certificates of their general and technical education and a statement of their practical experience. After examining the material thus submitted, the department chooses several possible candidates and requests these to send references and further material regarding their qualifications. The department then makes a scrutinizing examination of their administrative ability, personality and general conduct, and makes its appointments accordingly.

## CHAPTER IX

## PENSIONS

Hand in hand with civil service go pensions, and the other forms of support granted by the government to its employees and their families. In Frankfort there are two systems of pensions, one adopted by the state and made to apply to municipal employees, the other adopted later by the city.\* The main purposes of both systems are similar, but they vary somewhat in details and methods. A beneficiary has the privilege of choosing whichever system will result more profitably in his particular case.

As pensions in the broader sense of the word comprise all moneys or support paid out by the government to either living former employees or their survivors, there may be included under this title the four following divisions, which will be considered in turn:

- 1—Pensions
- 2—Widow moneys
- 3—Orphan moneys
- 4—Gift moneys

## PENSIONS

Pensions, or moneys paid to a former employee in subsidy for past services performed, are paid as a general rule only after the completion of ten or more years of service. In very few instances special exceptions are made. After ten years of service a civil service employee is entitled to 20/60 of his salary, and for every year of service thereafter 1/60 is added thereto. This continues up to the thirtieth year of service when his pension will have reached 40/60 of the salary. After that time for every year of service 1/120 is added to the pension. It proceeds to enlarge in this ratio for ten years, and after that it remains permanent at 45/60. This latter amount (three-fourths of the salary) the pensions may never exceed.

In order that this provision should not be misused, it is required that every person, before a pension is awarded him, be examined by the city physician, who receives all documents, certificates and personal records pertaining to the individual. After he has acquainted

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\*The main state law applying to pensions of municipal employees is that of July 30, 1899.



himself thoroly with the case, he notifies the person to be examined at what time he is to present himself at his office for examination. When a city employee has reached his sixty-fifth year of life he may choose between further service to the city, provided he is able to perform it without impairing the working procedure, or he may request or demand that he be pensioned. In either case he is pensioned without medical examination.

Since the law prescribes pensions in accordance with the employee's earnings, it is necessary to determine which of the different forms of earnings are considered as the employee's income. If an employee during his tenure receives additional amounts for additional services in other capacities or has additional income from other services, the law specifically provides which of these earnings may not be counted in as yearly income. Therefore, the income taken into account in reckoning the pension usually does not include the following forms of income that the employee may have earned:

- 1—Overtime compensation
- 2—Free lodging, or rent
- 3—Returns from real estate which have been placed at his disposal while in the city service
- 4—Bonus (percentage on the net proceeds of a public utility)
- 5—Gift moneys (gratuities and special moneys paid for distinguished services)

With the exception of the fourth, only in very rare cases are any of the above named items included. The reason for the inclusion of the bonus may be explained by the difficulty in finding men who are capable of conducting a large enterprise at a small compensation. They nearly all receive bonuses and in order to provide their families with a fair income these bonuses are frequently considered a part of the city employee's income. Whenever such an agreement is made the clause is always incorporated in the agreement when the employee enters the service. The magistrat always passes upon such a provision.

Since the law refers to a ten year period of service and the pension depends upon the length of service, it is necessary to determine what constitutes a city employee's service. In order to deal with this question the following division has to be made of all city employees.

- 1—Officials and permanently appointed employees
- 2—Workmen (day laborers and others)
- 3—Firemen



For the first group the following service is attributed and counted as pensionable service:

All time served in city offices

All time spent in military service

All time spent in service of the kingdom, the state or any other municipality

All time spent with private companies where the service and the time spent there results in great benefit to the city.

(Such time is given two-thirds value)

In the second division, only that time is attributed to workmen which they have actually spent in city service.

For the third group of civil service employees, the firemen, the time spent in service is figured at one and one-half. This is based on the principle that a fireman's life is shortened on account of the character of his work.

For all three classes service time may not be counted prior to the city employee's eighteenth birthday.

When an employee has either been retired through his voluntary application or by the city government, and when the various qualifications have been complied with and noted, the city secretary's office prepares an index card which it sends to the city paying office for purposes of record and making of payments. These cards are placed into an alphabetically arranged file. Before transmitting them entry is made in a register which is kept at the city clerk's office.

#### WIDOW MONIES

Widow monies are the second means of support, as referred to above. The wife of every employee is entitled to a yearly amount which represents a portion of the deceased employee's income. It makes no difference whether the employee was on a pension or still in service at the time of his death, the amount which the wife will receive is the same in both cases. The widow has claim to widow monies only after a ten year period of service by the deceased city employee. A city employee's salary grows periodically in a definitely prescribed manner, and with it grows the amount due the surviving widow. If the widow monies are figured in accordance with the municipal regulations there has to be taken into consideration the size of the deceased employee's pension or what it would have been had he received one.

A comparative statement of the two methods of determining widow monies follows:

## GOVERNMENT METHOD

The widow is paid annually one-fifth of the employee's total yearly income from the city at the time of his death or retirement on pension. The proportion remains the same regardless of the length of service.

## MUNICIPAL METHOD

The widow is paid forty per cent of the pension for which the employee would be eligible were he living. The amount varies with the length of service, in accordance with the rule described above.\*

The least amount paid in the form of widow moneys under the government method is seventy-five dollars annually. The highest amount of widow moneys is 40 per cent of 75 per cent of the employee's salary, i. e., 30 per cent of the employee's salary. All these calculations for widow moneys apply in like manner to officials and to workmen. It is interesting to note that when a city employee has been in service twenty years the amount of widow money is the same under both methods of calculation. For a period of service less than twenty years it is to the advantage of the widow to calculate the moneys due her by the government method; for a period of more than twenty years the municipal method is more advantageous. The most advantageous method is always used and the widow is given that amount which is the largest.

Widows are given no support by the city unless the marriage occurred before or during government service of their husbands. As soon as the widow marries again she loses her right to pension moneys.

## ORPHAN MONEYS

The third means of support referred to above is orphan moneys. Every child of every employee who has served more than ten years is entitled to a yearly amount which is based on the deceased employee's income. The law regards every child under eighteen years old as pensionable. Similarly to widow moneys it makes no difference whether the employee was on a pension or was still in service at the time of death. In either case the child receives the same amount. There are also two ways of calculating the amount due the child.

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\*Page 97.

CALCULATION OF ORPHAN MONEYS  
WHEN THE MOTHER IS STILL LIVING

GOVERNMENT METHOD	MUNICIPAL METHOD
1/20 of the salary for either one or two children.	Each child receives an amount equal to 1/5 of the widow moneys calculated in accordance with the municipal method described above.* The sum of all amounts paid both to children and the widow may not exceed the amount of the pension which would be due the deceased. Therefore a wife and eight or more children will receive the full pension of the deceased.
2/20 of the salary for three or four children.	
3/20 of the salary for five or more children.	

CALCULATION OF ORPHAN MONEYS  
WHEN THE MOTHER IS NOT LIVING

GOVERNMENT METHOD	MUNICIPAL METHOD
1/10 of the salary for each child if not more than two children. With the third child the amount is reduced and the sum paid to all children may not exceed 5/20 of the salary.	Each child receives an amount equal to 1/30 of the widow moneys calculated in accordance with the municipal method described above.* The pension paid to all children may not exceed the full pension of the deceased.

In a case where the employee had children by his first wife and after her death or their divorce he re-marries, the second wife and the children by both wives would be entitled to the widow and orphan moneys. For this reason both under the government method and the municipal method the law specifically states limits beyond which moneys or pensions may not be received.

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\*Page 100.

CALCULATION OF ORPHAN MONEYS  
IN CASE OF SECOND MARRIAGE OF EMPLOYEE

## GOVERNMENT METHOD

## MUNICIPAL METHOD

8/20 of the salary when widow and orphan moneys are paid.	In no combination whatever may the pension of the deceased be exceeded.
5/20 of the salary when orphan moneys only are paid.	

## GIFT MONEYS

The fourth and last means of support by pension money is the form called gift moneys. It is paid to the survivors for extraordinary conditions that may have prevailed prior to the death of the employee. These conditions may be sickness with large medical expenses connected thereto, contract obligations such as leases, and also funeral expenses. These moneys consist of an amount equal to one-fourth of the deceased employee's annual salary.

When a city employee is disabled and injured so he cannot work he is at once awarded the highest pension possible (three-fourths of his salary). If the city employee dies as the result of such an accident while in performance of duty his survivors likewise receive widow and orphan moneys at the highest rate possible.

## CHAPTER X.

## CONCLUSION

In weighing the merits of Frankfort's scheme of government, one point is clear. If the government is to be judged from the standpoint of results, it is good. Its achievements place the city very high in the ranks of well administered municipalities. This is widely recognized, so widely that Frankfort stands upon a hill, as it were, among the municipalities of Europe. Its clean, well paved streets, swift, well-regulated and "blessedly noiseless" street car lines, excellent lighting, water and sewerage facilities and beautiful parks are all far-famed as the earmarks of good city government.

To many these admirable results are sufficient to justify the system under which they are obtained. But to others, it appears very probable that some of the results, at least, were obtained rather in spite of than because of the system; and that under slightly different circumstances the system might have produced very different results. At all events, there are features which seem strangely out of place to the American political scientist who has heard so much of the perfection of German municipal institutions.

## COMPLEXITY OF SYSTEM

A case in point is the general complexity of the system. To the American student, simplicity in government would recommend itself as the first essential of a perfect system. But one only needs to refer to Frankfort's relations with the higher governmental authorities, as described in an early chapter of this study,\* to see that here, at least, complexity is an outstanding feature. The issuance of separate regulations by seven different authorities to cover the building police service is an instance indicative of the general situation.† Another is the method of procedure for the settlement of conflicts within the city or between the city and the state.‡ The administrative machinery of the city government itself is complicated by the existence of numerous supervisory committees or deputations which have to be consulted by the administrative departments for all important action.§ The elaborate and burdensome forms which must be followed in all routine work constitute another example of the intricacy which is prevalent throughout the government.¶

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\*Chapter III. †Page 18. ‡Page 22. §Page 50. ¶Page 74.

It would seem that a system so involved must surely break down or at least fail to function properly. Such would very likely be the case if it were not for the fact that the system is administered by men whose profession is government and who have devoted their lives to a study of its mechanism.

#### THE GOVERNMENT AND THE PEOPLE

Frankfort's government is irresponsible, so far as the popular will is concerned. The line of responsibility between the administrator and the people is not short and uninterrupted, but long and devious. The people elect the council which in turn elects the magistrat, the individual members of which are then assigned to their real posts of administration by the mayor, who owes his position in part to the council and in part to the King.

Again, the participation of the people at large in the business of government, either directly through the holding of office or indirectly, by means of the ballot, is conspicuously absent from Frankfort's system. A certain small percentage of the population, to be sure, is called upon from time to time to elect members of the council, but the issues are seldom commanding and the interest is usually cursory. The appointment of citizens to the deputations and as local poor administrators is a form of more active participation in the government but since it affects only a very small part of the population it can hardly be looked upon as an important example of popular participation in government.

#### DIVISION OF GOVERNMENTAL POWERS

A point of divergence from American practice as well as theory is seen in Frankfort's division of governmental powers—or rather its lack of a division. For Frankfort does not recognize the famous separation of powers doctrine which has had so great an effect in shaping American city governments. Frankfort incorporates in one department, the magistrat, legislative, executive and judicial powers in a greater or less degree. In fact, the mayor, himself, exercises in one capacity or another all of these powers. He has power, for instance, to issue rules and regulations of a legislative nature for the police service. As the administrative head of several departments and the authority empowered to appoint the heads of the other departments, he is decidedly



the leading executive of the government. And as the chairman of the magistrat and the "city committee", respectively, he is continually called upon to pass upon judicial questions involving the imposition of fines, the settlement of claims and the disposition of property rights.

The magistrat in many instances reflects the position of the mayor by occupying similar spheres of activity. The members of the magistrat are first of all administrators. This follows from the fact that the magistrat performs most of the executive work of the government. From the legislative standpoint, enough has already been said to indicate that, whatever the legal position of the council, the magistrat is the real legislative power of the government. And again, the city committee, of which the mayor is chairman, is one of the standing committees of the magistrat, and is primarily a judicial body.

The existence in the government of a council and magistrat indicates in itself an attempted division of powers, namely that of policy-determining and policy-executing. The overpowering influence of the magistrat, however, eliminates in large measure the separation that is thus sought to be established. The magistrat really draws up the government's policy, secures the confirmation of the council, and then performs the actual execution of the program.

#### TENURE OF OFFICE

Frankfort's practice of granting long tenures to its officials, although differing radically from our custom, is quite in accord with the ideas of our leading political thinkers. Frankfort's councilmen sit for a term of six years and are frequently re-elected; the magistrat members sit for twelve years and many of them are returned a second time. This is in considerable contrast to the American practice of electing councilmen and aldermen for only two or three year terms, and sometimes for not more than twelve months. The ordinary rank and file of the government service, far from shifting with the political fortunes of a party, enjoy practically a life tenure.

#### DEPARTMENTAL ARRANGEMENT

It is reasonable to suppose that back of Frankfort's excellent service and efficiency would be found at least a nice scheme or orderly arrangement of government. But even here is a surprising divergency, at least from theoretical perfection. The administrative organization

seems to be the result not of a well thought out and comprehensive plan according to which homogeneous functions are assigned to parallel bureaus which are grouped in turn with similar bureaus in parallel departments,—although such a scheme naturally comes to mind from the stories of Germany's "efficiency" and "system". The organization seems rather to be the outgrowth of operation and management, and tradition and expediency. Although there is a department organized, for instance, to administer the public buildings, (*Hochbau-Amt*), this function in several cases is turned over to other departments. Likewise, the *Tiefbau Amt*, or department of underground construction, by no means confines itself to subterranean work, but engages in street cleaning and lighting and the operation of municipal trucks and similar vehicles. Numerous other instances might be cited where ordinary functions are lodged in unexpected places. This is perhaps not a fault of the government; it is noted in this connection as evidence of the fact that the government has developed and expanded naturally as circumstances have required, rather than having been created in accordance with a theoretically perfect plan.

#### LEGISLATIVE CONFLICTS AND THE SUPREMACY OF THE STATE

There is little opportunity for legislative conflicts between the city and the state in the case of Frankfort because the state's power of legislation is supreme. Frankfort's charter is not a constitution drawn up by the city under the state's supervision, or with the state's permission; it is simply a state law. It differs from other laws only in that it applies particularly to Frankfort. It is clearly a grant of power to the city to administer, with some exceptions, its local affairs. As a law of the state, it stands before the courts on the same basis as other laws. Also it can be changed by the state whenever occasion demands or the authorities of the state see fit.

With the status of the city charter thus clearly defined, there are automatically eliminated most of those conflicts which are common to American home rule cities between the provisions of the home rule charter and the legislation of the state. The charter under which Frankfort operates does not enumerate a given number of powers which the city may exercise, but rather specifies only that the ordinances which it passes shall not conflict with existing laws. This refers to the laws of the state and empire. Thus in order to define its field of operation, the

city has only to discover from examination of these superior laws what it cannot do. This is comparatively simple, because the local fields in which the state participates in an administrative way are few and very well known. The main fields are, of course, those of education and police. Here the supremacy of the state is so universally recognized that conflicts seldom occur.

Probably the main factors, however, which make for harmonious relations between the city and the state are the presence in the city government of the mayor, who is a quasi-state official, and the constant supervision over the city government by the district committee, which is composed largely of state officials. It will be remembered that the mayor is specifically charged with the responsibility of seeing that the city does not trespass its jurisdiction;\* and also that the district committee is directed to examine all ordinances, of whatever nature, passed by the city. If it finds that any of these ordinances conflict with existing laws or impair in any way the authority of the state, it is directed to nullify them.

These various conditions are almost always sufficient to preclude conflicts and to direct action along lines known to be legal. If conflicts do occur, they are usually quickly disposed of through the procedure of the administrative court system, in spite of its complexity.

If further evidence were needed to indicate the superiority of the state over the city, it is furnished by the power of the state practically to dictate the appointment of both the mayor and the assistant mayor; and in case the city council does not nominate candidates suitable to the state, to place a commission of its own choosing in charge of the government; and, finally, if the council persists in its recalcitrant policy, to dissolve the council itself and administer the powers of this body through its own officials.†

#### NATURE OF THE LEGISLATIVE SYSTEM

There are two branches to the legislative arm of Frankfort's government, the city council and the magistrat. Both of these bodies participate in the making of legislation, but not in parallel capacities. The magistrat is responsible for introducing most legislation and the council is called upon only to approve it. With its administrative functions of carrying the legislation into effect, the magistrat really acts as an

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\*Section 640, Constitutional Law, see Appendix.

†Ibid., Sections 40-42.

executive secretary whose programs and operations are merely checked up by an advisory committee.

The relation is not like that existing in some of our "city manager" cities where the city manager is supposedly given the duty of drawing up scientific programs for the administration of the city and seeing to their execution, but who in reality only subserviently follows out the directions of the council on which he is dependent for his tenure of office. The members of the magistrat do not feel this dependence or subservience because of the well-established tradition against the removal of any of the high administrative officials of the government except for the gravest causes. This leaves the magistrat in a high and authoritative position, quite out of proportion in its importance to that usually held by the upper or lower house in a bi-cameral system.

#### STATE BOARDS AND THE CITY GOVERNMENT

The city government stands in little danger of being disrupted or of having its powers curtailed, as American cities have been in many instances, by the intrusion of state boards appointed for the purpose of taking over the administration of certain local affairs. As has been noted, the local affairs in which the state actively participates are few and well-defined. In fact, it is the policy of the state to turn over to the local officials not only the ordinary affairs of administration, but also in so far as possible all new or extraordinary functions which arise. In administrative matters the state prefers to follow the policy of decentralization, and is content to watch the success of this policy through a system of inspections and administrative reports. If a question arises concerning the extension of local administrative powers to new or different fields, this matter is taken up by the city through the officials of the "government", who are placed in supervision for just such purposes as this.

#### PLACE OF "POLITICS" IN THE ADMINISTRATION

Politics are very well divorced from administration in Frankfort's government, as far as political rewards or spoils of office are concerned. Promotions in the civil service are made as the result of competitive examinations covering courses of study prescribed especially for the training of candidates for the positions to be filled. A rigorous policy of selection on merit is also followed in the choice of members of the

magistrat. Members are chosen because of their demonstrated ability along a certain technical line to enable them to do technical work in the government. Integrity, general executive ability and familiarity with governmental affairs are, of course, essential considerations; but the great emphasis which is placed upon technical ability tends to make these, as well as political considerations, take a less prominent place.

Since both the members of the civil service and the magistrat enjoy long tenures of office, the actual number of appointments in a given time is comparatively small. Consequently, the political parties or factions have relatively few opportunities to reward their faithful workers and the spoils system is not given a chance to develop. Furthermore, the political parties are much weaker and less conspicuous in Frankfort than in most American cities and therefore the demand for rewards is slight. As a result, politics play an insignificant role in Frankfort's administrative appointments.

Sometimes, however, the city council does make an appointment to the magistrat which is not entirely acceptable to the other members or to the mayor. The objections may not be sufficient to constitute charges that can be presented to the higher authorities as a basis for removal, but are sufficient nevertheless to make the newcomer *persona non grata* to the other members. In such a case, the mayor and the other members simply fail to appoint the new member to important deputations. His power consequently is limited to that of a mere voter in the magistrat. This policy has been followed once or twice in the case of members with socialistic tendencies.





## APPENDIX

## CHAPTER XI

## THE CONSTITUTIONAL LAW OF MARCH 25, 1867

We, William, by the grace of God, King of Prussia, etc., decree herewith as follows:

## SECTION 1

The present constitutional law shall be valid for the city of Frankfort including Sachsenhausen and its territory. (Since then much territory has been added.)

## SECTION 2

The extent of self-government of the city of Frankfort over its affairs is prescribed in the following law. The city is represented by a magistrat and a city council.

## SECTION 3

The city of Frankfort has the power to enact statutory ordinances through concurrent resolutions of the magistrat and the city council (with the consent of the government), but provided that such ordinances are not contrary to existing laws:

- 1—Over such affairs of the city, as well as over such privileges and duties of its citizens, regarding which the present law permits differences or does not contain exact regulations.
- 2—Over other special relations and arrangements, particularly in regard to the establishment of possibly desirable communal relations between the city of Frankfort and its neighboring communities with the consent of the latter.

## SECTION 4

The annexation of other communal territory to the territory of the city of Frankfort becomes effective only with the consent of the participating communities and the consent of the king.

Other changes of city territory can be made—

- 1—With the consent of the government,\* if the participating communities and the owners of property in question are in agreement, or otherwise only
- 2—With the consent of the king when public interest demands such changes, and if the above conditions cannot be agreed on.

#### SECTION 5

In case the interested parties cannot come to an agreement, the regulation of the conditions, which has been made necessary on account of the change in the city territory is settled by the government in the form of a resolution. Such changes shall in no way affect the validity of private titles or obligations.

### THE RIGHTS AND DUTIES OF THE INHABITANTS AND CITIZENS OF THE COMMUNITY

#### SECTION 6

All residents within the city's limits, with the exception of persons active in military service, belong to the city of Frankfort.

Every person is considered a resident who has his legal residence within the city's limits.

#### SECTION 7

All inhabitants of the city are entitled to make use of those public institutions which belong to the city as such, in so far as this use does not impair the special legal relations based on private rights or the provision for foundations; and are obligated to pay taxes according to the provisions of this law.

#### SECTION 8

Whoever owns a piece of property or is engaged in an established business, though not living in the city, must pay taxes on the property or the business, or on the source of income.

This same obligation applies to all legal persons possessing real estate in the city, or engaged in an established business.

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\*The district committee was substituted in place of "the government" by the Law of July 30, 1883.

## SECTION 9

All non-residents who stay longer than three months for the purpose of earning their livelihood must pay taxes from the beginning of the fourth month.

## SECTION 10

Persons engaged in military affairs, mentioned in Section 6, must contribute to the taxes levied on real estate, or on established business, or on the sources of income therefrom, if they possess within the city's limits real estate or conduct an established business.

From other direct city taxes and burdens, military persons are exempt, excepting military physicians, in so far as their income from civil practice is concerned; and only institutions furnishing food supplies for military purposes and similar institutions are exempt from taxes on articles of consumption.

## SECTION 11

Civil and military officials, and those receiving salary as inactive officers, clergymen and elementary school teachers, recipients of widow and other pensions, and money for the education of orphans are obligated to pay taxes for communal purposes but only in accordance with the law of July 11, 1822. (G. S. S. 184). The declaration of January 21, 1829 (G. S. S. 9) and the Order of the Cabinet of the 14th of May, 1832 (G. S. S. 145). Otherwise no persons are exempted.

## SECTION 12

Property yielding no income, also such as serve public purposes, the lands held by churches and schools to be used for the residences of clergymen, church servants and elementary school teachers are exempt from community taxes. Otherwise only real estate newly built upon is temporarily tax free.

## SECTION 13

The right of citizenship consists in the right to participate in city elections as well as the right of holding an unpaid office or position

in the city administration or city representation. After a period of one year every independent Prussian acquires it provided he:

- 1—Has been a resident in the city and belongs to the municipality, according to Section 6
- 2—Has not been a recipient of public charity
- 3—Has paid all taxes due to the city and furthermore
- 4—Is either—
  - a—Owner of a residence within the city (Section 24)
  - b—Engaged independently in an established business as main source of income, with two assistants at least, or
  - c—The recipient of a yearly income of \$300.

The income and the possession of a house by the wife are accredited to the husband. The same is true of the income and the possession of a house by minors or such children of which the father is guardian.

#### SECTION 14

Whoever has attained the age of twenty-four years and has his own household and is not deprived by legal process of the right to administer his fortune or dispose of it is regarded as independent.

#### SECTION 15

With the consent of the city council, in special cases, the magistrat can dispense with the one-year residence qualification, mentioned in Section 13. In case a house is inherited the beneficiary's time qualification is based on the time that the testator possessed the residence.

#### SECTION 16

By decree of the magistrat and the city council with the consent of the government a citizenship fee can be imposed and the exercise of the citizenship can be made dependent on the previous payment of this fee in accordance with the provision of the law of the 14th of May, 1860 (G. S. S. 237).

## SECTION 17

Every citizen is obligated to take an unpaid position in the city administration or representation and to hold such a position at least three years.

## SECTION 18

Only the following reasons are permissible for refusing or resigning from an unpaid position in the city administration:

- 1—Continued sickness.
- 2—Business requiring frequent and long absence.
- 3—Age of sixty years.
- 4—The completion of three years in one office or the acceptance of another unpaid position for the next three years.
- 5—The administration of another public office.
- 6—The practice of medicine or surgery.
- 7—Other special conditions which the city council may regard as sufficient excuse.

Whoever refuses for any other reason than those stated above to accept an unpaid position in the administration or representation; or to act for the city or refuses to complete his term of three years, or has actually withdrawn, may be deprived by resolution of the city council of the exercise of his civic rights for a period of from three to six years, and he may be taxed from one-eighth to one-fourth more in city taxes which are added to his direct city taxes.

## SECTION 19

The civic rights are lost as soon as the person heretofore entitled to them does no longer possess every single one of the requirements prescribed for the attainment of such rights.

Whosoever, in consequence of a valid legal verdict has lost his civic honors (Section 12 of the Penal Code) hereby loses also his civic rights and the qualifications for attaining same.

Whosoever, in consequence of a valid legal verdict is prohibited from performing honorary civic duties (Section 21 of the Penal Code), thereby loses his civic rights, and does not regain them until after the term stated in such verdict.

Whosoever becomes a bankrupt loses his civic rights; he can regain the same, however, through the magistrat, with the consent of the city council, if he proves that he satisfied his creditors.

## SECTION 20

If a citizen has been indicted for a crime, or if he has been turned over to a tribunal for an offense which would or could entail the interdiction to perform his honorary civic duties or if he has been arrested for such an offense, the performance of his civic duties must cease until the legal investigation or the arrest is at an end.

## SECTION 21

The loss of one's civic rights entails the definite loss of positions and offices which presuppose the holding of civic rights, but the temporary prohibition of civic rights entails only their suspension.

## SECTION 22

The magistrat is authorized, by consent of the city council, to bestow civic honors upon men who have distinguished themselves in behalf of the city without regard to above-stated specific requirements, providing no obligations to the municipality arise.

## THE COMPOSITION AND THE ELECTION OF THE CITY COUNCIL

### SECTION 23

The city council consists (subject to further statutory enactment) of fifty-four members.

### SECTION 24

One-half of the city councilmen must be house owners or those who have an interest in the property and are enjoying the tenancy, or those who have a hereditary right of possession.

### SECTION 25

Members are elected from districts. The magistrat fixes the numbers and boundaries of the election districts, and also the number of councilmen to be elected from each district in proportion to the number of eligible citizens.



## SECTION 26

The following are ineligible as councilmen:

- 1—Officials and the members of authorities exercising supervision of the state over city affairs.
- 2—Members of the magistrat and all paid city officials.
- 3—Clergymen and church-servants and elementary school teachers.
- 4—Judiciary officials, excepting experts of the commercial, industrial and similar courts.
- 5—Officials of the prosecuting attorney's office.
- 6—Police officials.

Father and son, as well as brothers, cannot be members of the city council at the same time. If such relatives are elected at the same time, the older one alone will be admitted.

## SECTION 27

City councilmen are elected for six years. Every two years one-third retires and is replaced by new election. (Those retiring for the first and second times are determined by lot).

## SECTION 28

The magistrat must at all times insist that the regulation in regard to the complement of number of house owners be complied with. If the number of house owners to be elected is not divisible by the number of election districts, the distribution will be made over the separate election districts by lot. With this limitation the out-going councilmen may be re-elected indefinitely.

## SECTION 29

Annually in July a list of qualified voters which proves the qualification of the voters is prepared and certified by the magistrat. The order of the list is based on the election districts.

## SECTION 30

From the 1st to the 15th of July the magistrat proceeds to revise the list.

From the 15th to the 30th of July the list is made public according to the regular local method of publicity in one or more frequented places. During this time every inhabitant may challenge any name on the list, and enter his protest with the magistrat.

The city council must pass on such protests by the 15th of August. (The decision requires for ratification the consent of the magistrat, and if the latter refuses its sanction procedure follows according to Section 46).

When the government in such a case has made a decision, there can be no recall from its decision by the protestor; in other cases the challenger has the privilege, within ten days after the decision of the city council, to appeal to the government which decides within four weeks. If the name of a resident which was registered on the list is again cancelled he must be notified eight days in advance by the magistrat with a statement of reasons.

### SECTION 31

The supplementary elections for the city council take place every two years in November. Special elections for filling vacancies caused by the departure of members within the election period must be fixed at such a time as the city council or the magistrat or the government (*Bezirksausschuss*) deem it necessary. The substitute elected remains in office only to the end of the six-year term for which the departed member was elected. All supplementary and substitute elections take place in the same election districts from which the departed member was elected.\*

The terms fixed in Sections 29-31 may be otherwise determined by statutory enactment.

### SECTION 32

Fourteen days before the election, the magistrat notifies the listed voters in a customary manner of the election. This election notice must state precisely the place, the day and hours at which the votes are to be cast at the election committee.

### SECTION 33

The election committee consists in each election district of the mayor, or of a representative appointed by him, as chairman, and two assistants elected by the city council.

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\*Amended by the Magistrat, June 11, 1907.

## SECTION 34

Each voter casts his own ballot by depositing the ballot without signature in a ballot box.

## SECTION 35

Those who receive at the first election the most votes and the same time an absolute majority (that is more than one-half of the votes cast) are elected.

If at the first voting an absolute majority does not result for as many persons as are to be elected, a second election takes place.

The election committee places the names of those persons together who next to the elected ones received the largest number of votes, and twice as many of these are placed on a list as are yet to be elected.

This composition is regarded as the official list of qualified candidates.

For the second election the voters are called immediately or at least within eight days through an announcement of the committee, which also tells the result of the first election. At the second election an absolute majority is requisite for the election.

In case of a tie lots are cast for the decision. Whoever is elected in several districts must give notice from which district he accepts election.

## SECTION 36

The election results (tally sheets) are to be signed by the election committee and must be kept by the magistrat. The magistrat must make the results of the complete elections public immediately. Every qualified voter has the right to file a protest with the government against the election proceedings within ten days after the results have been made public. (Changed by Sections 10 and 11 of the Law of July 30, 1883).

[In case of considerable irregularities the government must declare the elections invalid by way of a decision giving the grounds for such action. The declaration of invalidity of an election must be based on a complaint from the outside or it must take place *ex officio*.]

## SECTION 37

The councilmen thus regularly elected start their functions with the beginning of the following year. The outgoing members remain

until the newly elected members take office. The magistrat inaugurates the elected members by handshaking instead of an oath.

## THE COMPOSITION AND THE ELECTION OF THE MAGISTRAT

### SECTION 38

The magistrat consists of a first mayor, a second mayor, and as many paid and unpaid members (Stadtraete) as the city council at its first meeting after the promulgation of this law shall decree with the consent of the government. The decision can then be changed only through statutory enactment.

### SECTION 39

The following persons cannot be members of the magistrat:

- 1—All other municipal officials.
- 2—Those officials, and the members of boards which exercise state supervision over city affairs.
- 3—Clergymen, church employees, and teachers of the public schools.
- 4—Judiciary officials, excepting the expert technical members of the commercial, industrial and similar courts.
- 5—Officials of the prosecuting attorney's office.
- 6—Police officials.

Father and son, father-in-law and son-in-law, brother and brother-in-law may not be members of the magistrat at the same time.

If the relation occurs during the time of office, the person responsible for such occurrence resigns.

### SECTION 40

The first mayor is selected by the king for a term of twelve years.

To this end the city council submits three candidates to the king. If none of them is acceptable the appointment follows without further presentations.

### SECTION 41

The second mayor and the paid members of the magistrat are elected for twelve years; the unpaid for six years. Both groups are

elected by the city council. Every three years one-half of the unpaid members resign and new selections are made. The retiring members may be re-elected indefinitely. Section 31 applies to extraordinary substitution elections.

#### SECTION 42

The election of the second mayor also requires the approval of the king. If approval is withheld the council proceeds to a new election. If this selection too is not sanctioned, the government is permitted to appoint a temporary commission, the costs of which are to be borne by the city. This also takes place when the city council refuses to make a further selection or if they re-elect the candidate whose name was first refused the sovereign's consent.

The administration by commission lasts till the selection by the city council, which the latter body is permitted to repeat, obtains the consent of the king.

#### SECTION 43

In every case the candidates submitted for the position of first mayor and the selection of members of the magistrat must take place by separate vote. Selection is made by ballot; if the absolute majority is not attained at the first vote then the first four persons having received the largest number of votes are placed on a separate list, and they alone constitute the candidates for a new election. If from these four no absolute majority is attained then the two persons having received the most votes at the second ballot are again placed together, and selection is made from them. If the vote is a tie lots are drawn.

#### SECTION 44

Members of the magistrat are sworn into office by the mayor in a public session of the city council. The first mayor (now known as the *Oberbuergermeister*) is sworn into office by the government president or by a commissioner appointed by the president. Such an inauguration takes place in a public session of the city council.

#### MEETINGS AND FUNCTIONS OF THE CITY COUNCILMEN

#### SECTION 45

The city council has jurisdiction over all affairs of the city which are not exclusively assigned to the magistrat. The city council gives

its approval to all matters which are submitted to it by the supervisory boards (*Aufsichtsbehoerden*).

Over all other city affairs the council has the power to act only in the capacity of an adviser when special laws, or in individual cases, the supervisory board submits orders to it.

Councilmen are in no way subject to instructions from the voters of the magistrat.

#### SECTION 46

Resolutions of the city council require the consent of the magistrat when they pertain to affairs which are through the law transferred to the magistrat for execution. In case the magistrat refuses its approval it must state its reasons to the city council. If no agreement can be made, both parties may demand the appointment of a commission consisting of members of both bodies to arbitrate. If it is not successful the government must decide. (This provision of appeal to the government has been changed by Section 17, of the Law of July 30, 1883).

The city council cannot execute its own resolutions except in such cases as provided for in Section 47 and in the second paragraph of Section 54.

#### SECTION 47

The city council controls (*kontrolliert*) the administration. Accordingly it has the power to examine into the execution of its resolutions and to convince itself of the purposes to which all the city's income is being used; and to examine into the city's accounts and to appoint for this purpose a committee from among its own members. To this committee the mayor has the privilege of appointing a member of the magistrat.

#### SECTION 48

The city council elects annually from its own body a chairman and vice-chairman. Likewise it elects annually a secretary from among its own members, and a vice-secretary. If the secretary is not selected from its midst he must be sworn into office by the mayor in a public session of the council.



All these elections proceed according to the instructions stated in Section 43.

#### SECTION 49

The city council meets as frequently as its business demands. The magistrat is invited to all sessions and it can be represented by representatives. The city councilmen can demand that the representatives of the magistrat be present. The magistrat has the right to demand a hearing as often as it chooses. The chairman calls the councilmen together and a session must follow at the demand of one-fourth of its members or whenever the magistrat demands.

#### SECTION 50

The matter of calling a meeting is definitely determined by the council. When a meeting is called a statement of the affairs to be considered is issued, and excepting in unusual cases, at least two days in advance of the meeting.

#### SECTION 51

The city council may fix regular session days and in such a case affairs to be considered must be submitted at least two days before the meeting to the members of the council and the magistrat, excepting in extraordinary cases.

#### SECTION 52

The council forms a quorum when more than one-half of the members are present. But exception is made when a matter is considered for a second time and an insufficient number of members have appeared. At a second meeting attention must be expressly called to this consequence of the absence.

#### SECTION 53

A majority vote carries a decision. In case of a tie the vote of the chairman decides the point in question. Members not voting are considered present, but a majority vote is based on the total number actually voting.

## SECTION 54

In matters pertaining to rights and obligations of the city no member whose personal interest conflicts with those of the city shall be permitted to take part in discussions. If such exclusion prevents a valid decision from being made, the magistrat decides the matter under consideration. Should the magistrat be disqualified for the same reasons, the government assumes responsibility for the preservation of the city's interests, and in special cases it may appoint a commissioner for the city.

In case the city enters into a legal suit against one or more members of the council or the magistrat on a matter pertaining to the latter's uses of office the government president (*Regierungspraesident*) must be instructed by the city council to appoint an attorney in behalf of the city.

## SECTION 55

The sessions of the city council are public. In individual instances by special resolution secret sessions may be held from which the public is to be excluded.

## SECTION 56

The chairman presides, opens and adjourns the meeting, and is in charge of procedure of business. He may expel any auditors from the room who give open signs of approval or disapproval or who in any way are disorderly.

## SECTION 57

The resolutions of the council and the names of the members present are to be recorded in a special book. They must be signed by the chairman and at least three members.

All its decisions must be submitted to the magistrat; also those which are not especially assigned to the magistrat for execution.

## SECTION 58

The council makes its own rules of business procedure with the consent of the magistrat and the right to enforce regulation for the preservation of order through fines.

Punishment consists of a fine of not more than ten guldens and in some cases exclusion for a time from the sessions or for the period of the session. If the magistrat refuses its consent the procedure prescribed in Section 46 takes place.

#### SECTION 59a

The city council decides on matters pertaining to the city's property. Over such property which the city as a corporation does not own it may decide only so far as it is specially empowered in the capacity of trustee of special funds or other special legal titles.

#### SECTION 60

The sanction of the government is required in the following cases [Nos. 1, 3 and 4 of the *Bezirksausschuss*, and No. 2 of the *Regierungspraesident* affairs have been changed by Section 16 of the *Zust.*]:

- 1—In case of sale of real estate and other titles which are legally equal to the first. The government in such cases is entitled to prescribe the forms by which such sales shall be made.
- 2—In the case of sale or important changes of matters which have special scientific, historical or artistic value, and particularly all matters relating to the archives.
- 3—For loans to be incurred by the city or assuming liabilities which further increase the existing debt.
- 4—In case of changes of the use to which territory such as forests, meadows, turf, etc., shall be put.

#### SECTION 61

Participation by the city in the use of communal property, etc., (Section 60, No. 4) can be arranged for by annual payments of a sum and instead or aside of it by full payment with the consent of the magistrat and the council with the approval of the government. Such participation shall not be secured from private titles.

#### SECTION 62

In so far as the income from municipal property is insufficient to cover the requirements for the expenditures of the city, the city council shall have the power to raise taxes in the following way.

These taxes may consist of—

I—Additions levied on to the state taxes with the following limitations:

- 1)—The tax on itinerant trades cannot be increased.
- 2)—No increase to the class and income tax shall be levied on property in other cities on which the owners already contribute their share in another community up to the sum already contributed to the other community.
- 3)—The sanction of the government is necessary
  - a—for additions to the direct taxes if such an addition is either 50 per cent. above the state tax or if it is not distributed according to the same basis. If the rate is lower or exempted altogether no approval of the government is required
  - b—for additions to the indirect taxes.

II—In special direct and indirect taxes the sanction of the government is required for newly introduced taxes or when the tax rates are increased or decreased.

(The provisions under 1, 2 are also to be enforced in case of special city income taxes).

Violations against the raising of taxes for the city which have received the sanction of the government may be punished by a fine up to 20 guildens. Such ordinances are to be issued in the form of local police ordinances.

The existing communal taxes are subject to the investigation and sanction of the government.

## THE FUNCTIONS OF THE MAGISTRAT

### Section 63

The special functions of the magistrat are—

- 1—To execute the laws and ordinances, as well as the orders of the superior authorities.

- 2—To prepare in advance the resolutions of the city council, and to execute them in so far as the council declares itself in agreement with them. The magistrat must refuse its approval and refuse to execute any resolution of the city council which trespasses its functions, or which is otherwise illegal, or is contrary to the interests of the community or the state. In cases of this kind the regulations in Section 46 are to be the bases of procedure.
- 3—To administer the city institutions and to supervise these for which no special administration is appointed.
- 4—To administer the incomes of the municipality and to control the special resolutions of the city council in regard to the income and expenditure of the budget, and to supervise the whole financial system.

The city council is to be notified of every regular audit in order that one or more of its members may be appointed to be present at such auditing. At special audits the chairman or one member permanently appointed by the council is to be included.

- 5—To administer the property of the city and to conserve its rights.
- 6—To appoint municipal officials after the city council has given its consent, and to supervise them.

Appointment is made for life when the services to be rendered are not of a temporary nature. Those minor officials for mechanical services may be employed with the right of dismissal after giving them due notice. The magistrat after consulting the council fixes the amount of the bonds to be given.

- 7—To preserve the documents and papers of the city.
- 8—To represent the city in its outer relations; and in the name of the city to deal with its departments (*Behoerde*) and private persons.

To be responsible for correspondence and to draw up the city's documents (*Gemeindeurkunden*) in the original. All documents are signed validly by the mayor or by his representative in the name of the city.

If the city assumes any obligation in these documents another member of the magistrat must in addition affix **his signature**. In case where the approval of the government is necessary all documents should be duly certified.

9—To distribute the city taxes among the taxpayers (according to laws and ordinances) and to collect them.

#### SECTION 64

The magistrat forms a quorum when at least one-half of its members are present. Resolutions are valid only when a majority vote is cast. In case of a tie the chairman casts the deciding vote. The first mayor or his representative is chairman. It is a duty of the chairman to protest a resolution of the magistrat which trespasses its jurisdiction, or which is otherwise illegal or detrimental to the state welfare or the interests of the city. Such protests must be filed for decision with the government.

The second mayor takes part in the proceedings and resolutions in addition to his duties as representative for the first mayor. When a discussion concerns affairs affecting the private interests of a member of the magistrat or his relatives he must not take part in the discussion and the voting, and during the discussion he must absent himself from the session room.

#### SECTION 65

The mayor directs and supervises the whole municipal administration.

In all cases where the previous consent of the magistrat would cause a disadvantageous loss of time the mayor must for the time being conduct the business himself. He must, however, report to the magistrat at the next session for its approval or for another resolution.

For disciplinary purposes the mayor is empowered to exact a fine up to six guldens, and in addition to suspend minor employees for a period of three days.

#### SECTION 66

For purposes of permanent administration or supervision of the separate departments as well as the execution of transient affairs special boards (*Deputationen*) may be formed consisting of members of the magistrat only, or of members of both chambers (magistrat and



council) or of members of the council and the magistrat and citizens, who are qualified to vote. For the formation of such mixed departments the sanction of both chambers is required.

To these boards which are in every case and in every respect subordinate to the magistrat, members are elected by the council from among its own body and from qualified citizens, and the mayor appoints the members from the magistrat. The mayor is also chairman.

By statutory enactment special provisions can be fixed for the formation of permanent administrative departments.

### Section 67

The city is divided into districts (*Ortsbezirke*). At the head of each district a district-chairman (*Bezirksvorsteher*) is appointed by the city council from among the voting citizens of the district for a period of six years. The magistrat must certify such selections. In like manner a vice-district-chairman is selected to act in cases of absence of the chairman.

The district chairmen are agents of the magistrat. They are obligated to execute the orders of the magistrat, viz., to aid it in local administration.

### SECTION 68

The magistrat must submit annually a report on the administration and the status of municipal affairs.

This report must be submitted before the city council begins to take up the budget.

The day and the hour (at which such report is made) must be made known two free days in advance.

### SECTION 69

It is the duty of the mayor to take charge of such parts of the police administration as the government may transfer and assign to him, and in addition all those local affairs of the circle (*Kreis*), county (*Bezirk*), province and state administration for which no separate deputations are prescribed. Some of these branches may be assigned to another member of the magistrat with consent of the government.

## SECTION 70

In regard to the right of the city boards to enact local police ordinance and in regard to the affairs of the police courts, and the prosecuting attorney's functions (*Staatsanwaltschaft*) at the inferior court (*Ruegegericht*), as well as the business of registration bookkeeping (*Standesbuchfuehrung*) the laws pertaining thereto are applicable.

The employment of officials in the registration bureau is made as prescribed in Section 63, No. 6.

## SALARIES AND PENSIONS

## SECTION 71

A standard salary schedule is to be set up by the magistrat and is fixed by the city council. In the absence of a standard provided for in the budget all appointments for such positions must have a salary fixed before election.

The salary of the mayors and the paid members of the magistrat are in every case to receive the consent of the government. The government likewise has the right, and is indeed obligated, to demand that such officials receive an adequate salary. Councilmen and unpaid magistrat-members are reimbursed only for such cash expenses as they incur in the fulfillment of their office duties.

## SECTION 72

The following pensions are to be paid to the mayors and the paid magistrat-members at the time of unfitness for service or because at the expiration of their term of office or if after such they have not been re-elected or received confirmation. (These provisions apply only in so far as no other agreements have been made with the government).

1/4 of the salary after a 6-year term.

1/2 of the salary after a 12-year term.

2/3 of the salary after a 24-year term.

This last pension item has been changed by Section 14, Chapter 1 of the Municipal Employment Law.

City officials appointed for life receive at the beginning of their unfitness for service the same pensions as those paid to regular government officials if another agreement has not been reached with them

(changed by Section 12 of the Municipal Employment Law).

In case of any dispute as to the pension to be received by the mayors, the paid magistrat-members and the other paid officials the government arbitrates (this has been changed by Section 7 of the Municipal Employment Law).

In case where a dispute arises as to a decision the government renders when it does not apply to facts of unfitness for service appeal may be had to the courts.

Pensions cease permanently or temporarily if the pensioner accepts any other position in the service of the state or municipality where the salary or pension in addition to his first pension exceeds his former salary.

## THE CITY HOUSEHOLD (I. E. THE BUDGET)

### SECTION 73

The magistrat sets up a budget annually, at the very latest in October covering all income and expenditure in so far as they can be determined in advance. The budget estimate is made public for a period of eight days at frequented places, and there it is open for inspection to all inhabitants of the city. Then it is confirmed by the city council. A copy of the budget is immediately submitted to the government.

### SECTION 74

The magistrat is responsible for carrying out the household (*Haushalt*) in accordance with the budget.

Expenditures made outside of the budget require a confirmation of the city council.

### SECTION 75

Delinquent taxes and all dues which have not been paid by the 1st of May, may be collected by "tax execution methods" (*Steuerexekutionswege*).

### SECTION 76

The annual financial statement is to be submitted to the magistrat by the department in charge before the 1st of May. The magistrat must have this statement audited and then it must submit it to the city council with its memoranda for examination and confirmation.

## SECTION 77

The annual statement must be confirmed by the 1st of October. The magistrat must submit immediately to the government a copy of the financial statement in its final shape.

By statutory enactment the time for the fixing of the financial statement may be otherwise determined.

## SECTION 78

The magistrat is responsible for keeping the accounts for all parts of the city's property. All changes made in the system of accounting must be submitted with explanations at the time of submitting the financial statement to the city council.

## THE SUPERVISION OF THE STATE OVER THE CITY'S AFFAIRS

## SECTION 79

The supervision of the state over the administration of the municipality is exercised by the government. The decisions of the government are valid as against the city's boards, and the decisions of the government can be superseded by the *Oberpraesident* in so far as they are not otherwise determined by this law. All appeals must be made within a period of four weeks unless otherwise fixed in this law. For recourse against the imposition of municipal taxes, the Law of July 18, 1840 is applicable.

## SECTION 80

When the city council has made a resolution which trespasses its jurisdiction or which is otherwise illegal or which is detrimental to the welfare of the state, the government is empowered and obligated to instruct the magistrat not to carry out such resolutions.

The magistrat must immediately notify the council of such an action, and report its resolutions to the government. Then the government must state its decision and give its reasons therefore.

## SECTION 81

Should the council refuse or fail to bring lawful obligatory appropriations into the budget and pass it extraordinarily the government in compliance with the law may order the insertion of such appropriations into the budget, and to fix the extraordinary expenditures.

## SECTION 82

By royal prerogative (through the State Ministry) the city council can be dissolved.

A new election must then take place within six months from the date of the order of dissolution.

Until the installation of the newly elected councilmen their functions are assumed by special commissioners appointed by the minister of the interior (*Minister des Innern*) (Changed by Section 17, of the Law of July 30, 1883).

## SECTION 83

(This clause refers to the Law of July 21, 1852 relative to punishment for crimes committed in their official capacity. It has since been changed by Section 20 of the Law of July 30, 1883).

## TRANSITION REGULATIONS

## SECTION 84

The necessary regulations for the installations of this law will be issued by the minister of the interior.

## SECTION 85

The existing deputations and the administrative positions and in particular the financial auditing department remain intact as such until those departments and positions have been changed and the officials installed into their offices which the provisions of this law make necessary in compliance with the resolutions of the magistrat and the city council.

## SECTION 86

The members of the former city council and the magistrat and other officials whose positions expire in consequence of this law, and the new organization therefrom and those who are not able to request that they be placed in retirement must be content with another position in about the same class (*Kategorie*) in case they are elected to such a position or are otherwise appointed.

## SECTION 87

The existing tax regulations become void with the exception of such payments requisite for acquiring the right of citizenship in so far as the taxes do not have their legal basis in private titles.

## SECTION 88

The government immediately after the promulgation of this law will provide all such necessary regulations with the cooperation of the departments existing at the time, for elections in compliance as to the time as provided for in Section 30.

Beginning with January 1st, 1887 the six and two-year periods for the first election will be held according to Section 27.

Beginning with November 1868 the regular supplementary elections of the councilmen shall begin as provided for in Section 31.

## SECTION 89

The government will cause the installation of the first magistrat into its official position according to the regulations of this law, and in order that this may come to pass the government will make such announcement public immediately in the official paper (*Amtsblatt*).

On the day of the promulgation of this law all its provisions become effective everywhere, and all former decrees and regulations to the contrary or in conflict with this law are void.









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